



Email: [committeeservices@horsham.gov.uk](mailto:committeeservices@horsham.gov.uk)  
Direct line: 01403 215465

# Planning Committee (North)

Tuesday, 3rd October, 2023 at 5.30 pm  
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Peter van der Borgh (Chairman)	Liz Kitchen
Tony Bevis (Vice-Chairman)	Richard Landeryou
Colette Blackburn	Dennis Livingstone
Martin Boffey	Jay Mercer
James Brookes	John Milne
Len Ellis-Brown	Colin Minto
Nigel Emery	Jon Olson
Ruth Fletcher	Sam Raby
Chris Franke	David Skipp
Anthony Frankland	Jonathan Taylor
Nick Grant	Clive Trott
Kasia Greenwood	Mike Wood
Warwick Hellowell	Tricia Youtan
Tony Hogben	
Alex Jeffery	

You are summoned to the meeting to transact the following business

Jane Eaton  
Chief Executive

## Agenda

---

	Page No.
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	7 - 10
<i>To approve as correct the minutes of the meeting held on 5 September 2023 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> 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. <b>Declarations of Members' Interests</b>	
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** 11 - 12

Applications for determination by Committee:

6. **DC/22/2257 Horsham YMCA Football Club, Gorings Mead, Horsham** 13 - 42

Ward: Denne

Applicant: Mr Tim Bass

7. **DC/21/2172 Land South of East Street, Rusper** 43 - 62

Ward: Colgate and Rusper

Applicant: Mr J Sage

8. **DC/23/0354 Morriswood, Old Holbrook, Horsham** 63 - 72

Ward: Colgate and Rusper

Applicant: Mr Anthony Hogben

9. **DC/23/1358 79 Trafalgar Road, Horsham** 73 - 78

Ward: Trafalgar

Applicant: Mr Nick Jenkins

10. **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

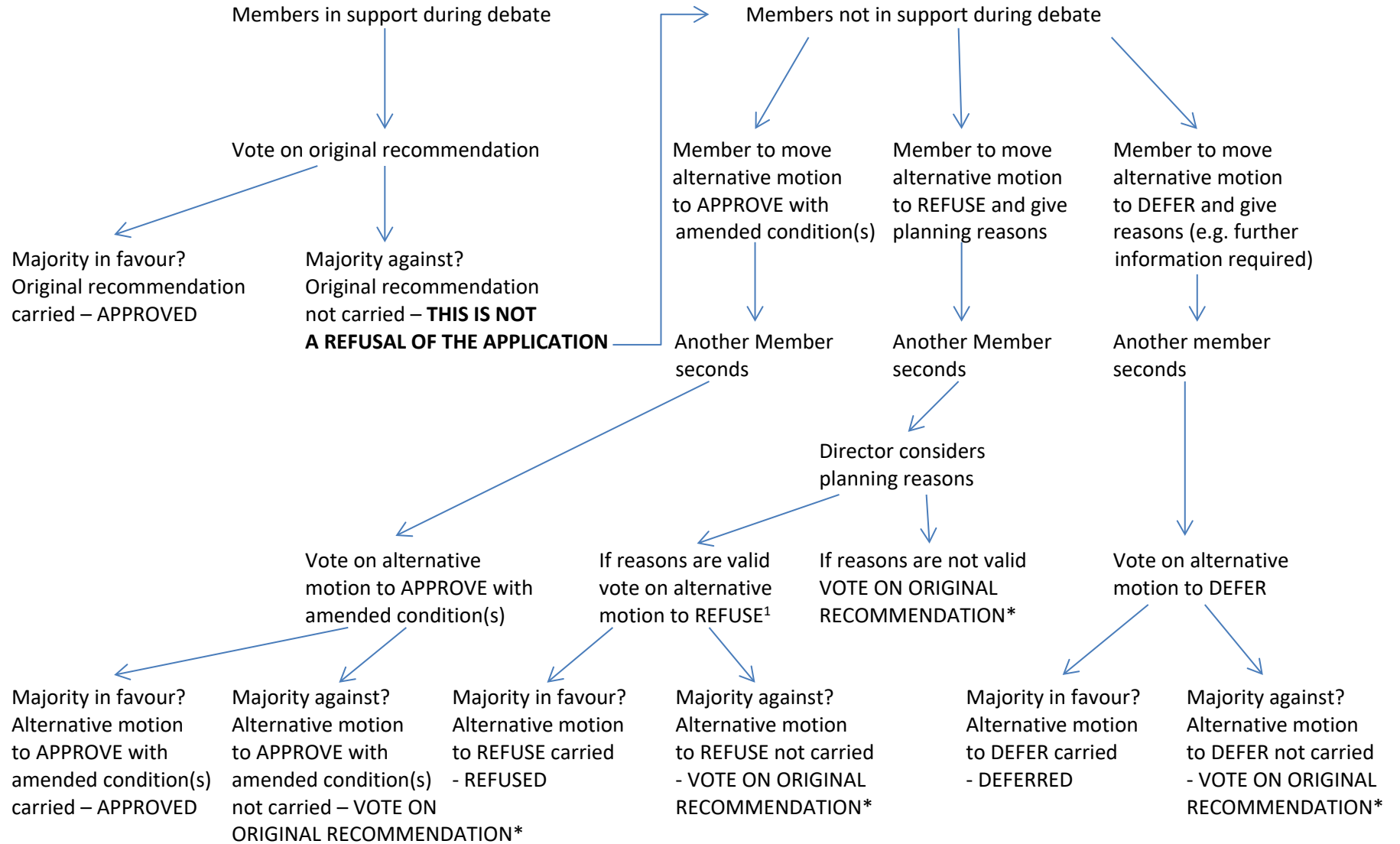
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

<b>Addressing the Committee</b>	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.
<b>Minutes</b>	Any comments or questions should be limited to the accuracy of the minutes only.
<b>Quorum</b>	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.
<b>Declarations of Interest</b>	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.
<b>Announcements</b>	These should be brief and to the point and are for information only – <b>no debate/decisions</b> .
<b>Appeals</b>	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
<b>Agenda Items</b>	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.
<b>Public Speaking on Agenda Items</b> (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 <b>5</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.
<b>Rules of Debate</b>	<p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul>

	<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"> <li>○ 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.</li> <li>○ 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.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- 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).</li> <li>- 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).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul>
<b>Alternative Motion to Approve</b>	<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>
<b>Alternative Motion to Refuse</b>	<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>
<b>Voting</b>	<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"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <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>
<b>Vice-Chairman</b>	<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>

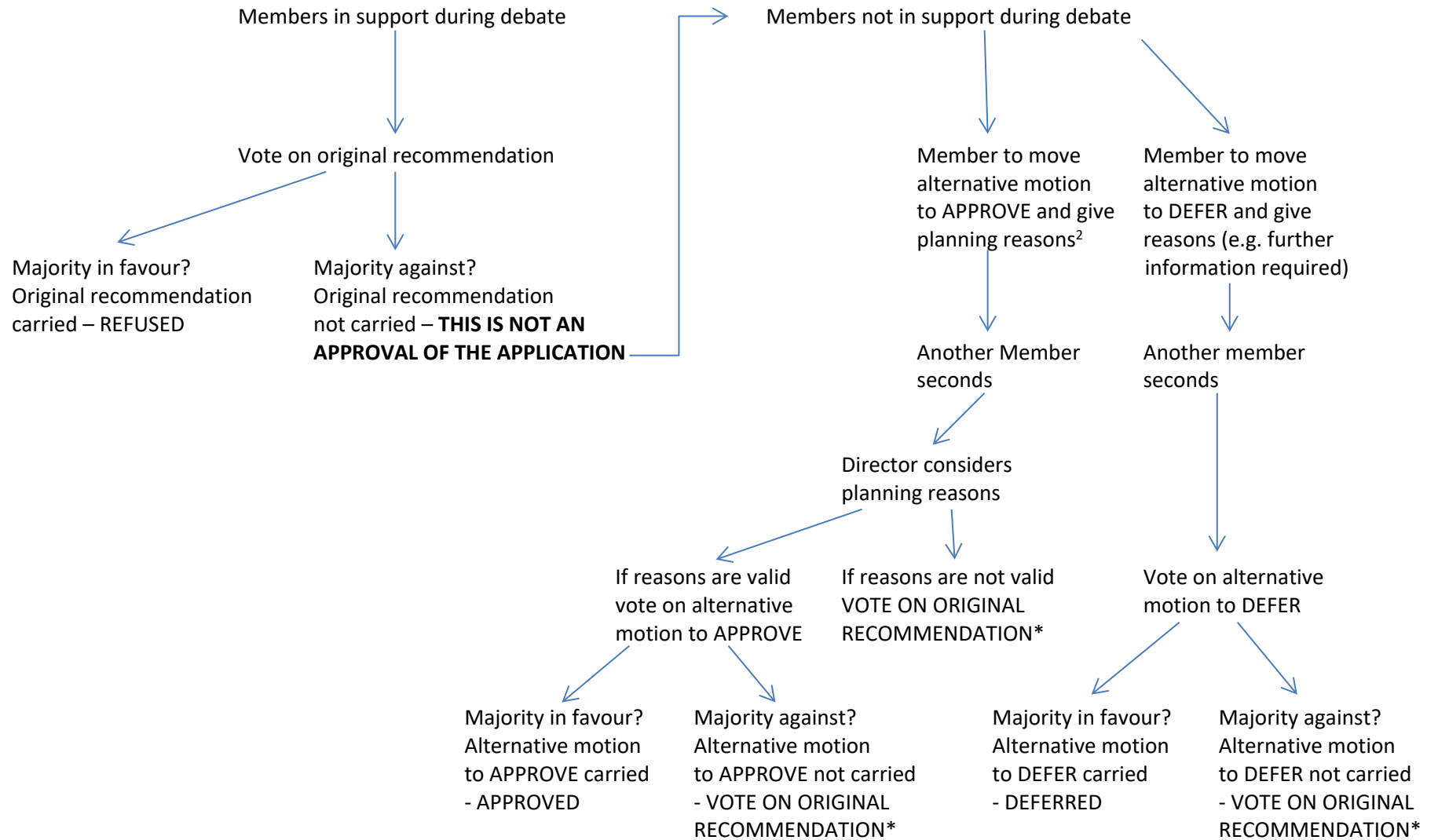
**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

<sup>1</sup> 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

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (North)**  
**5 SEPTEMBER 2023**

Present: Councillors: Peter van der Borgh (Chairman), Tony Bevis (Vice-Chairman), Colette Blackburn, James Brookes, Nigel Emery, Ruth Fletcher, Anthony Frankland, Nick Grant, Kasia Greenwood, Alex Jeffery, Liz Kitchen, Richard Landeryou, Dennis Livingstone, John Milne, Colin Minto, Jon Olson, Sam Raby, Jonathan Taylor, Clive Trott, Mike Wood and Tricia Youtan

Apologies: Councillors: Martin Boffey, Len Ellis-Brown, Chris Franke, Warwick Hellowell, Tony Hogben, Jay Mercer and David Skipp

PCN/32 **MINUTES**

The minutes of the meeting held on 1 August 2023 were approved as a correct record and signed by the Chairman subsequent to the meeting.

PCN/33 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/23/0320: Councillor Jon Olson stated that, as the portfolio holder overseeing the district's cemeteries, he was aware of the matter but had not been closely involved in the preparation of the application.

DC/23/0320: Councillor Ruth Fletcher declared a personal interest because close family members had been allotment holders on the site.

PCN/34 **ANNOUNCEMENTS**

There were no announcements.

PCN/35 **APPEALS**

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

PCN/36 **DC/23/0320 HILLS CEMETERY, GUILDFORD ROAD, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the change of use of an allotment site to form an extension to Hills Cemetery for approximately 476 burial plots and 659 ash areas. The proposal included new hardstanding routes for vehicular and pedestrian access to create a one-way system, and additional planting.

The application site was located within the built-up area of Horsham in the southern part of Hills Cemetery on the southern side of Guildford Road. It had

previously been used for allotments, but was now an open area of self-seeded grass.

The Neighbourhood Council objected to the application. There had been three representations objecting to the application and two letters commenting on the proposal.

Members considered the consultees' responses and the officer's planning assessment. It was noted that the proposal would provide much needed burial plots. Members were satisfied that concerns regarding boundary treatment and drainage raised by the Neighbourhood Council had been satisfactorily addressed.

RESOLVED

That planning application DC/23/0320 be granted subject to the conditions as reported.

PCN/37 **DC/23/1303 139 CHURCHILL WAY, BROADBRIDGE HEATH**

The Head of Development & Building Control reported that this application sought permission for the conversion of a loft to create a third bedroom with ensuite shower. The proposal included a pitched roof dormer to the rear, and three Velux rooflights on the front roof slope.

The application site was located within the built-up area of Broadbridge Heath between Churchill Way and the A264. It was in a close made up of similar, mostly terraced, properties.

The Parish Council raised no objection to the application. There had been one representation objecting to the application.

Members considered the consultees' responses and the officer's planning assessment and raised no concerns. It was considered that the report fully addressed concerns that had been raised regarding the amenity of one property.

RESOLVED

That planning application DC/23/1303 be granted subject to the conditions as reported.

*The meeting closed at 5.40pm having commenced at 5.30pm.*

CHAIRMAN



## Planning Committee (NORTH)

Date: 3<sup>rd</sup> October 2023

Report on Appeals: 23/08/2023 – 20/09/2023



**Horsham  
District  
Council**

### 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
<b>None within period</b>				

### 2. Appeals started

Consideration of the following appeals has started during the period:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
<b>None within period</b>					

### 3. Appeal Decisions

HDC have received notice from the Planning Inspectorate that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/22/0104	8 Merryfield Drive Horsham West Sussex RH12 2AB	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/22/0950	Hele Farm Sandhills Road Barns Green Horsham West Sussex RH13 0PU	Written Representation	Appeal Dismissed	Application Refused	N/A
DC/22/1249	6 Yarrow Close Horsham West Sussex RH12 5FP	Written Representation	Appeal Dismissed	Non-determination	N/A

This page is intentionally left blank



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

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

**DATE:** 3<sup>rd</sup> October 2023

**DEVELOPMENT:** Conversion of stadium pitch to 3G surface with new perimeter paths, fencing, floodlighting and goal storage area.

**SITE:** Horsham Y M C A Football Club, Gorings Mead, Horsham, West Sussex, RH13 5BP

**WARD:** Denne

**APPLICATION:** DC/22/2257

**APPLICANT:** **Name:** Mr Tim Bass **Address:** Reed House 47 Church Road Hove BN3 2BE

**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 Forest Neighbourhood Council

**RECOMMENDATION:** To refuse planning permission

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the conversion of the existing grass pitch at the Horsham YMCA Football Club to an Artificial Grass Pitch (AGP) surface with a footprint of 104.5m x 70m, with new perimeter paths. The new 3G pitch would be located on top of the existing grass pitch replacing the existing 11 v 11 pitch.

1.3 The proposals also include 6 x 15m high floodlighting columns mounted with an LED sports lighting system to replace the existing 6 floodlight columns; and a 1.2m high twin bar sports rebound spectator fence to three sides of the pitch, with a 4.5m high fence to the western and eastern end between the perimeter path and the existing car park. A 1.5m high ball stop netting is proposed above the 4.5m fence at both ends of the pitch (6m in total) with an additional 6m high ball stop fence to protect the neighbouring property on Gorings Mead.

- 1.4 A sports equipment store with dimensions of 2.44m x 6.10m x 2.59m (height) is also proposed. The pitch would have 3m high retractable nets to facilitate the independent use of cross court pitches. A new 1.2m wide porous asphalt access path is also proposed around the pitch, along with a porous asphalt goal storage area to the north of the pitch. A retaining wall along the southwest corner of the site is proposed to support the existing ground levels which fall away.
- 1.5 The proposed facility will be for both Club and community use. The proposed opening hours of the club are:

Monday to Fri 08.00am – 22.00pm.  
 Saturday 08.00am – 18.00pm.  
 Sunday and Bank holidays 08.00am – 18.00pm.

The AGP would provide football pitches and training areas within the same enclosed playing area with the following formal pitch arrangement:

Age Grouping	Type	Pitch Size	Quantity
Over 18 and Adult Football	11 v 11	100 x 64m	1
U11 / U12	9 v 9	63.6 x 46m	2
Mini Soccer U9 / U10	7 v 7	55 x 37m	2
Mini Soccer U7 /U8	5 v 5	37 x 27m	4

- 1.6 The proposed works would be funded through the Football Association (FA) Football Foundation Framework, the conditions of which requires community use and compliance with technical guidance.

#### DESCRIPTION OF THE SITE

- 1.7 The application site (approx. 3.5 acres) is located within the Built-up Area Boundary of Horsham, approximately 0.5km from the town centre. The site is occupied by the YMCA Football Club, and is accessed at the southern end of Gorings Mead, a Class D residential no through road off of the A281 Brighton Road. There is a Public Right of Way (ROW 1673) from Brighton Road that runs through Gorings Mead to the countryside beyond, with connections to other Public Rights of Way through the countryside. The site is located close to bus routes (350m), a train station (1km to the north) and cycle ways and local road network.
- 1.8 The YMCA Football Club was established in 1898 and used for football since 1929. It has its own on street parking, a covered seated stand (150 people), a club house and changing facilities, set around the existing grassed pitch to the north of the main Club building. The football club has a ground capacity of 1,575 people and is within the Southern Combination Premier Division.
- 1.9 The surrounding area to the north, east and west is residential in character, with a matrix of fields and field boundaries to the south. Horsham Sports Club is located approximately 600m to the west and Chesworth House 500m to the south.
- 1.10 The site is bounded by mature trees along the south, west and partially along the northern boundaries of the site. There are 4 trees identified within the grounds of the YMCA Football Club along the southwestern boundary of the site that are subject to a Tree Preservation Order, including T3 & T4 Oak Trees and T5 & T6 Ash Trees (TPO/0366). The topography of the land falls from the east to the west.
- 1.11 A veteran tree (referred within the supporting Arboricultural Impact Assessment is listed as T10), is located close to the south west boundary corner of the application site on land

adjacent to the rear garden of properties on Queensway. The base of the veteran tree impacted by the proposed development sits below the level of the existing football pitch within a trench approximately 1.6m to 2m below the made-up ground levels of the application site.

## **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 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 11 - Tourism and Cultural Facilities  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 31 - Green Infrastructure and Biodiversity  
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  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 43 - Community Facilities, Leisure, and Recreation

#### **The Horsham Blueprint Neighbourhood Plan (2022)**

HB1 (C & D) - Location of development  
HB12 - Encouraging Sustainable Development  
HB13 (A) - Provision of Sport, Leisure, and Recreation Facilities  
HB14 (B) - Communal and Cultural Facilities

#### Supplementary Planning Guidance:

The Horsham District Sport, Open Space and Recreation Assessment February 2014

#### Planning Advice Notes:

Biodiversity and Green Infrastructure

#### **West Sussex Joint Minerals Local Plan (2018)**

Policy M9 - Safeguarding Minerals

## PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/11/69	Demolition of existing buildings and erection of new dressing room and covered accomm. for spectators. Comment: Outline. (From old Planning History)	Application Permitted on 13.12.1969
HU/257/84	Floodlights. (From old Planning History)	Application Permitted on 01.11.1984
HU/295/77	Single storey extension. (From old Planning History)	Application Permitted on 20.01.1978
HU/30/58	Ladies and gent's toilets. Comment: And b. regs. (From old Planning History)	Application Permitted on 31.03.1958
HU/322/76	Renewal of use of covered stand (From old Planning History)	Application Permitted on 21.01.1977
HU/334/75	Renewal: use of premises as playgroup. (From old Planning History)	Application Permitted on 04.02.1976
HU/376/69	Erection of building for accom for spectators, dressing and club. Comment: B. regs approved 19/08/69 (From old Planning History)	Application Refused on 28.08.1969
HU/396/66	Renewal of permission for use of covered stand. (From old Planning History)	Application Permitted on 01.12.1966
HU/471/69	Erection of building for accomm. for spectators, dressing and club. Comment: And b. regs. (From old Planning History)	Application Permitted on 23.10.1969
HU/5/82	Renewal hu/322/76: covered stand. (From old Planning History)	Application Permitted on 12.02.1982
HU/50/82	8 floodlight towers – sportsground (From old Planning History)	Application Refused on 30.06.1982
HU/539/71	Renewal- covered stand use. (From old Planning History)	Application Permitted on 09.12.1971
HU/96/69	Erection of concrete framed building for spectators shelter, dressing rooms and clubrooms Comment: Outline. (From old Planning History)	Application Permitted on 20.03.1969

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

## INTERNAL CONSULTATIONS

### 3.2 **HDC Landscape Architect:** Objection (summary)

*'From a landscape character and amenity point of view, there are no concerns with the proposals in principle given the site is already in use for sporting activities and the proposals are to improve the facilities for an all-weather pitch however the loss of a veteran tree is of concern and something the NPPF asks us to accept only where there are wholly exceptional circumstances (NPPF para 180). Whether these are considered wholly exceptional circumstances given the public benefits of the proposal, is something that I will leave you to consider. If you conclude that the loss of the veteran tree is justifiable, I note the arboricultural report refers to an option 2 of assisted decline rather than complete removal. I would prefer this option as this would retain some of the ecological benefits of the green corridor along this boundary. I would also request that a new native hedgerow is planted in the same location as S6 to mitigate any negative effects on the amenity of the adjacent residents at no 55'.*

### 3.3 **HDC Arboricultural Officer:** Objection

3<sup>rd</sup> Comments: Dated 20/09/2023 clarifying the impact of the proposed works to the veteran Ash tree:

*'The proposed assisted decline option for T10 the Veteran Ash refers to the above-ground features of the tree, where it is proposed that the tree would be heavily reduced in size with a bulk of the main stem being retained as a monolith. This assessment hasn't considered the level of root severance required to build the new pitch as proposed; due to the tree's location in regards to the existing pitch, a high percentage of the tree's key rooting area would be lost to the development.*

*Due to the age of the tree and the high level of root severance required to implement this development coupled with the above-ground surgery works, in my opinion, it is likely that the tree will not be able to recover from these works and will die within a few years of the development, if not sooner; ultimately the tree in its living form would be lost to the development. Whether or not the ecological benefits of retaining the tree in some form outweigh the wildlife benefits that it currently provides to the area falls outside the scope of the Arboricultural Officer to comment on, and I would recommend that an ecologist assesses this aspect.'*

2<sup>nd</sup> Comments: Dated 20/03/2023

*'I note the author's comments in paragraph 1.8 of the AIA regarding T10 and the situation with Ash dieback (ADB), the capacity for the tree to potentially become infected with the disease and how the proposed assisted decline would be undertaken should this application be permitted as proposed. However, as the tree is not currently showing any signs that it is infected, this application should be determined on that basis. In addition, given that this aspect of the development is essentially an application to remove a veteran tree protected by TPO, hypothetically speaking, suppose if a works to a protected tree application had been received to fell the tree because it might become infected with ADB, I can confirm that any such application would likely be refused on the grounds of insufficient justification for the felling of a protected tree and the loss of amenity value that this would bring to the locality. It should also be noted that if the tree were to become infected with ADB, given its age and veteran status, this would, in my view, not necessarily mean that the tree should be felled immediately, as it could be managed in a manner that ensures that it is maintained in a safe and reasonable condition for the long term while taking into account any surrounding targets.*

*As I have previously stated below, removing T10 brings the development proposals into conflict with local and national planning policies, and there would need to be a “wholly exceptional” reason to justify the removal of T10.*

*To summarize, I still maintain my OBJECTION to removing T10 due to the tree's age, its protected and veteran status and because it appears to be structurally sound and currently not infected with ADB, and I have no further comments to make on this application’.*

1st Comments: Dated 19/01/2023

*Several trees on and adjacent to the site benefit from formal protection under two separate Tree Preservation Orders (TPO’s). T1 and T2 of TPO/0366 are located within the site to the south of the properties in the Hornets, with the other trees covered by TPO/0366 being located in the western part of the site and the rear gardens of the properties on Queensway. The second order, TPO 0585 refers to a standalone oak to the rear of 61 Queensway. The site is not located within a Conservation Area.*

*The main consideration as to the suitability of this proposal concerning trees is the proposed removal of the protected veteran Ash tree listed as T10 on the supporting Arboricultural Impact Assessment (AMA). This tree is indicated for removal due to its close proximity to the proposed development, and because of the level of excavations required within its Root Protection Area (RPA) to facilitate this scheme will result in a high level of root severance that would be detrimental to the trees health and would likely result in its early mortality.*

*Apart from T10 and a small section of hedging no other trees are indicated for removal as part of the development proposals at the site.*

*T10 has been recorded as a category A3 veteran tree using the BS 5837 Trees in relation to design, demolition, and construction – Recommendations (2012) survey methodology. Category A3 trees are generally considered to be high-quality trees with significant conservation, historical, commemorative, or other value, such as veteran trees with an estimated life expectancy of at least 40 years; I do not disagree with this assessment.*

*Paragraph 180(c) of the NPPF (2021) states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists’.*

*To compensate for the loss of the veteran tree, twelve new trees are proposed to be planted in an alternative location at the site. While it is always positive to see new trees planted as part of a new development proposal, in this instance, any replacement planting, even if of heavy-duty nursery stock, would take many decades to reach a similar stature to that of T10 and thus reinstate an equivalent level of visual amenity value which a TPO is designed to uphold, and the same level of ecological benefit that the tree currently provides to the area. For this reason, any replacement planting would, in my view, be insufficient to mitigate the loss of this veteran tree, which is irreplaceable. Current Government guidance on compensation measures states that "you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal". Given the nature of this proposal, it is clear that this scheme would have some public benefits if permitted. However, given the conflict with Paragraph 180 of the NPPF, I do not believe this would be sufficient to qualify as a wholly exceptional reason for the loss of T10.*

*From the submitted information and my previous site visits, there is nothing to suggest that the tree is currently infected with Ash dieback (ADB) (*Hymenoscyphus fraxineus*), a chronic fungal disease of ash in Europe characterised by leaf loss and crown dieback in infected trees. Most parts of England are now affected by ADB. However, the severity of the disease varies locally, and local conditions are often considered to determine how the infected trees*



are affected by the disease. Because it is estimated that the UK may lose up to 90% of the Ash trees in the country, it is essential that where healthy specimens are found that they are retained to see if they have some natural resistance to the disease, which may help to produce disease-resistant trees from their seed bank. It is acknowledged that the tree may eventually become infected with ADB; however, as the tree currently isn't, it would not be appropriate to use this potentially forthcoming issue as sufficient justification for the felling of this protected veteran tree. This issue would need to be addressed at the time if the tree were to become infected with ADB.

It should also be noted that the current advice as set out in section 9 "Infected urban or veteran trees" in the publication "Chalara manual – 2. Managing ash trees and woodland, including logs and firewood" published by the Forestry Commission advises that "There should be a presumption to leave these trees standing, if at all possible, unless public safety is an issue. Veteran trees in particular can provide many important environmental and social benefits, even when dead." Therefore, should this application be refused and then the tree becomes infected with ADB at a later date it would be prudent to consider all alternative management options taking into account any nearby targets before removing the tree.

The bulk of the retained trees' Root Protection Areas (RPA's) do not appear to be significantly impacted by the development. An existing concrete path that passes through the RPA of T6, T8 and T9; if permitted, the path is proposed to be broken up and removed by hand under Arboricultural supervision to ensure minimal incursion and limit the impact on the affected trees; this aspect of the proposal does not cause me any concern.

The proposed tree protection measures of the retained trees on the site, as set out within the Tree protection plan, are in accordance with BS 5837 and are satisfactory.

To summarize, I register an OBJECTION to the removal of T10 due to the tree's age, its protected and veteran status and because it appears to be structurally sound and currently not infected with Ash dieback. Furthermore, the loss of this tree would be contrary to the relevant parts of the NPPF, at a national level and local planning policies as set out in paragraphs 31 and 33 of the Horsham District Planning Framework (2015), that actively seek the retention of important trees on development sites.

However, if the public benefits of this proposal are considered to outweigh the loss of T10, and you are minded approving this application, then I would recommend that the tree is managed using option 2 as set out in para 6.13 of the AIA. Where it is suggested that the decline of the tree could be assisted by retaining it but heavily reducing it in size, leaving a manageable core of the tree which could potentially continue to have some ecological benefit to the locality.'

3.4 **HDC Environmental Health:** No Objection subject to conditions

3.5 **HDC Drainage Engineer:** No Objection subject to conditions

3.6 **HDC Community and Culture:** No Objection

'In strategic terms the provision of a new AGP for Horsham YMCA Football Club is supported and will help meet the shortfall of 3G pitches in the district. This project fits with the recommendation of the HDC Playing Pitch Strategy (2018 - 2031) to increase the provision of 3G pitches in the district and is specifically listed in the 2019 Horsham Local Football Facility Plan.

As the nation's most popular team sport, football has the power to contribute positively to vital social outcomes and health priorities. This proposal will substantially improve usage and diversity of use.'

## OUTSIDE AGENCIES

3.7 **Sports England:** No Objections

3.8 **WSCC Highways:** No Objection

3.9 **Ecology:** Objection

4<sup>th</sup> Comments dated 20 Sept 2023 clarifying advice on the works to the veteran Ash tree:

*'Further to our comments dated 18 September 2023, we have now reviewed the comments from the Council's tree officer which had not previously been seen, relating to unacceptable construction impacts on the veteran tree which will amount to its loss in the near future.*

*The severance of roots of T10 as indicated on the Tree Removal and Protection Plan (RPS, August 2022) and details in section 6 the AIA (RPS, Feb 2023) will be significant and unlikely to support its survival of surgery works above and below ground.*

*We therefore consider that the development cannot be delivered without the loss of veteran tree T10 (irreplaceable habitat) and this conflicts with NPPF 180(c) as there are no "wholly exceptional reasons". We now wish to object to this application.'*

3<sup>rd</sup> Comments dated 18 Sept 2023

*Further to our comments dated 28 April 2023, we have reviewed the recently supplied Bat Surveys letter report (Babec Ecological Consultants, August 2023) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, particularly bats, and identification of proportionate mitigation.*

*We are satisfied that the results of bat emergence surveys recommended by the bat preliminary roost assessment of T10 veteran Ash tree (irreplaceable habitat) confirmed likely absence of a bat roost. We support the recommended bat mitigation & compensation measures needed for part removal (Bat Surveys letter report (Babec Ecological Consultants, August 2023)) and advise that these should be secured by a condition of any consent.*

*We welcome the clarification that only the branch of the veteran of this tree is to be removed retaining the central core in situ for ongoing ecological value. We support the planting of 12 trees within the landscaping proposals as compensation for the partial loss of the veteran tree as recommended in the Ecological Appraisal (RPS Group, September 2022). As the tree is being retained, we strongly advise that veteranisation of mature trees in suitable locations on the site is also secured to ensure the compensation is acceptable for partial loss of this irreplaceable habitat. This long term management should be secured under a condition for long term landscape management. We also support the Council's landscape officer's request for a new native hedgerow to be planted and recommend that its long term management is also secured by condition, alongside wildlife-sympathetic management of habitats along the site peripheries, such as phased mowing regimes to provide habitat variability.*

*We are now satisfied that there is sufficient ecological information available for determination of this application.*

2<sup>nd</sup> Comments dated 28 April 2023

*Further to our comments dated 30 March 2023, we have now reviewed the recently supplied Ecological Appraisal (RPS Group, September 2022) supplied by the applicant,*

*relating to the likely impacts of development on protected & Priority species and habitats, particularly bats, and identification of proportionate mitigation. We are not satisfied that there is sufficient ecological information available for determination of this application.*

*We also note that floodlighting forms part of the application and we therefore recommend that a professional ecologist should assess the impacts on foraging and commuting bats in the surrounding area and submit a report together with any necessary mitigation measures.*

*All bat species are designated and protected as European Protected Species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb, or capture bats; or to damage or destroy bat breeding sites and resting places (even when bats are not present).*

*This information is necessary, prior to determination, as paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

*In addition, we note from the Arboricultural Impact Assessment (RPS Group Plc., February 2023) that a small section of hedge will also be removed. We therefore recommend that the impact of the development on breeding birds is assessed and appropriate compensation for the section of hedge to be removed is provided.*

*We also recommend that reasonable biodiversity enhancements should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to commencement. Without the above information we are currently unable to provide full comments on this planning application.*

#### 1<sup>st</sup> Comments dated 30 March 2023

There is an absence of ecological information included with the application.

*It is noted from the Arboricultural Impact Assessment (RPS Group Plc., February 2023) that the veteran ash tree T10 cannot be retained in its current form. Any trees to be removed or affected must be subject to a Preliminary Roost Assessment for bats prior to determination and the results submitted to the LPA, including any mitigation measures to support a lawful decision, according to Government Standing Advice.*

*We also note that floodlighting forms part of the application and we therefore recommend that a professional ecologist should assess the impacts on foraging and commuting bats in the surrounding area and submit a report together with any necessary mitigation measures.*

*All bat species are designated and protected as European Protected Species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). This means that it is an offence to deliberately kill, injure, disturb, or capture bats; or to damage or destroy bat breeding sites and resting places (even when bats are not present).*

*This information is necessary, prior to determination, as paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established*

*before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

*In addition, we note from the Arboricultural Impact Assessment (RPS Group Plc., February 2023) that a small section of hedge will also be removed. We therefore recommend that the impact of the development on breeding birds is assessed and appropriate compensation for the section of hedge to be removed is provided.*

*We also recommend that reasonable biodiversity enhancements should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to commencement.*

*Without the above information we are currently unable to provide full comments on this planning application.*

**3.10 Archaeology Consultant: No Objection**

*‘The proposed development is located adjacent to Archaeological Notification Area DWS8533 Chesworth House Medieval Moated Site and surrounding area, Horsham. However, it is probable that the existing football pitch would have significantly impacted any archaeological remains that might have been present, and it is therefore unlikely that the proposed works will call any further damage. For this reason, no archaeological recommendations are being made with regard to this application.’*

**3.11 Southern Water: Comment (Summary)**

*‘This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.’*

**3.12 WSCC Flood Risk Management: Objection**

*In the spirit of SuDS implementation, and in line with policy within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.*

*This application may be subject to review by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.*

*All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.*

**3.13 Local Policing Support Team: Comment (Summary)**

*‘Although I note that the club is currently open until 10pm the introduction of an all-weather pitch which can be used year-round has the potential to generate additional noise which could be detrimental to the amenity of the surrounding residents. This coupled with additional traffic making its way to the area particularly on match days has the potential to cause disharmony within the local community.’*

*I would ask moving forward that some sensitivity is shown to residents and that reasonable hours are made a condition of consent so that the local community are not unduly disturbed.*

*With regards to the proposed maintenance equipment storage container - from a crime prevention perspective – thought should be given to the siting of a fit for purpose intruder alarm to deter against potential theft.*

*In relation to the proposed cycle shelter - research by the ‘Design against Crime Centre’ suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore, a design of cycle stand that enables this method of locking to be used is recommended. The minimum requirements for such equipment are as follows: • Galvanised steel bar construction (minimum thickness 3mm), filled with concrete; • Minimum foundation depth of 300mm with welded ‘anchor bar’.*

*Given that the proposed improvements have the potential to attract more spectators into the stadium especially on match days - I would ask that the applicant seeks advice from Sussex Police Counter Terrorism Security Advisers as soon as is practicable.  
CTSASussex@thamesvalley.pnn.police.uk’*

### 3.14 **Natural England: No Objection**

Natural England notes that this authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposals will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessments, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposals, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permissions given.

This application proposed would result in an average saving of water demand due to the nature of the proposals and removal of the existing grass pitch. As the proposed 3G artificial pitch will not require watering the water saving will off-set the anticipated increase in water consumption. Natural England have checked the applicant’s calculations and are satisfied that these would allow the new development to achieve water neutrality. Their lack of objection is based on the understanding that there will be an overall reduction and water saving of 38.6m<sup>3</sup> / per year and that as such mitigation is not required.

## PUBLIC CONSULTATIONS

- 3.15 92 neighbour representation letters including 21 letters of objection (including 2 x 2 letters of objection from 2 different households) and 71 letters of support (including 2 x 2 letters of support from 3 different households & 1 x 3 letters of support from 1 household). It is noted that 15 letters of support have been submitted from outside of the Administrative Area of Horsham District.

Representations to the proposals have been made on the following grounds:

### Objections

- Traffic increase / road and pedestrian safety / road speeds / road width / road traffic accidents junction of Gorings mead / Brighton Road

- Poor visibility at junction Gorings Mead / Brighton Road
- Impacts on emergency services access
- Lighting and noise
- Increase in use of the pitch and associated club facilities – amenity impacts
- Width of road and concerns regarding ingress and egress to and from grounds
- Increase in activities and potential use and impacts on neighbours
- Lighting from facilities and floodlight impacts on neighbours
- Proximity of 59 Gorings Mead 2.9m from boundary (inaccurate in DAS states 10m)
- Hours of use and intensity at weekends and evenings
- Artificial grass and impacts on climate change
- Loss of natural grass surface and negative impacts on biodiversity / wildlife
- No reference to alternative energy sources i.e., solar panels
- Concerns regarding use of Hornbeam rather than alternatives such as Crab Apple or Wild Cherry which are both lower in height, and less prone to damage by grey squirrels, and offer colour and food for wildlife.
- Density of proposed trees (impacts on light) suggest changing planting schedule and reducing number of potentially larger trees to overcome residents concern regarding light to nearby properties.
- Concerns regarding lack of maintenance and upkeep of any bird and bat boxes
- Need for ongoing monitoring of all biodiversity / ecology improvements required.
- Impacts on sustainability of planet
- Anti-social behaviours when leaving club late at night
- Use of other alternative transport methods considered problematic and unrealistic area poorly served by buses and cycling along Brighton Road is difficult.

#### Support

- Public benefit outweighs disbenefits of loss of veteran tree
- Upgrade and benefit to club and no impacts on neighbours
- New 3G stadia for general use for local community and youth
- Planting of new trees (although concerns re type and impacts on light)
- Improvements for local community
- Better than more houses
- Artificial pitches needed given climate change / impact of weather on grass sports
- Would preserve and enhance a long-standing sports club in Horsham
- Offers improvements for mental and physical health benefits for all
- Need for good quality affordable sports facility
- Would overcome waterlogged pitches
- Long overdue
- Would improve long standing facilities and enhance social and sporting facilities across the district

#### 3.16 **Forest Neighbourhood Council:** Objection

*'On Highways grounds, Forest Neighbourhood Council is objecting to this application. The entrance into Gorings Mead, towards YMCA, is narrow and when there is parking, the width is around 4.5 metres. This is the main pinch point but there are other parts of the road, again where there is parking, which is only wide enough for single file traffic. The sight line from Gorings Mead into Brighton Road is poor. Any increase in traffic that comes with additional pitch use, will lead to traffic delays along both roads and this will become a significant problem.*

*For this proposal to proceed, Forest Neighbourhood Council ask that the applicants present an enforceable and workable traffic plan.*

*It is noted that the applicants are proposing to upgrade the lighting using LED floodlights and this will see a reduction from 6-4 poles. If the application is permitted, Forest Neighbourhood Council would like assurance that these LED floodlights will be fully focussed on the pitch and will not change the lighting levels for residents.'*

*'We note from Highways response, they refer to YMCA Traffic statement saying an Operations Manager will be employed and a Traffic Plan will be put into place on event days. If this application is approved, we think that this should be a condition.'*

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

#### **6. PLANNING ASSESSMENTS**

##### **Principle of Development:**

- 6.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 Paragraphs 92, 93 and 98 of the National Planning Policy Framework 2021 (NPPF) are considered relevant:

Paragraph 92 of the NPPF advises that planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:

- a) promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other
- b) are safe and accessible, so that crime and disorder, and fear of crime, do not undermine the quality of life or community cohesion...for example high quality public spaces
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs ... for example through the provision of sports facilities

Paragraph 93 of the NPPF states that 'to provide the social, recreational and cultural facilities and services the community needs, planning policies should

- a) plan positively for the provision and use of shared spaces, community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 98 of the NPPF states that: '*Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.*'

- 6.3 The Horsham District Planning Framework (HDPF), set out the local policy framework against which applications must be considered. Policy 43 of the HDPF seeks to protect existing sites used for community facilities and services as well as encouraging the provision of new or improved facilities. Policy 42 (4) Inclusive Communities is also considered broadly relevant in that the proposals would address the requirement to coordinate services to fulfil the needs of young people.
- 6.4 The Horsham Playing Pitch Strategy (PPS) dated May 2019 is considered as relevant to the determination of this planning application in support of the above HDPF policies. The document set out that '*a Playing Pitch Strategy (PPS) is a robust evidence base that identifies whether the supply and demand of play pitches within a Local Authority is sufficient to meet the current and future needs and demands for sport.*' The PPS action plan identifies the application site as a potential location for the development of a stadia 3G in the Local Football Facilities Plan prepared by the FA in partnership with the Council, to help meet a strategic need for 7 such pitches in the district. The PPS therefore supports the application proposals.
- 6.5 Within the Horsham Blueprint Neighbourhood Plan (HBBNP), policies HB1; HB13 (A) and HB14 (B) seek to ensure that the location of new development is within the most sustainable areas within the neighbourhood, and that proposals for sport, leisure and recreation and also community and cultural facilities are supported in order to meet the increased need for these facilities within the neighbourhood area;
- 6.6 The application site comprising the YMCA Football Club site lies within Built-up Area Boundary of Horsham and is an existing facility within the district. The application seeks to convert the existing grass pitch surface to a 3G surface (a third-generation synthetic surface which consists of three elements, synthetic turf, sand infill and rubber infill), to allow for improved all year-round facilities and to allow for their wider use. The proposed use of the site for playing pitch use will not therefore alter, therefore the principle of replacing the pitch type is considered acceptable .
- 6.7 Accordingly the principle of this development complies with the overall aims and objectives of Policy 43 of the HDPF, and to Policy HB1; HB13 (A) HB14 (B) of the HBBNP subject to a thorough examination against all other relevant policies and consideration of all material considerations arising.



## **Design and Appearance:**

- 6.8 Policies 33 of the HDPF promote development that is of a high-quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the district. Development should contribute to a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.

Policy 25 of the HDPF states that the natural environment and landscape character of the district, including landscape, landform, and development pattern, together with protected landscapes, will be protected against inappropriate development. Proposals should protect, conserve, and enhance the landscape character, taking into account areas identified as being of landscape importance.

- 6.9 The existing YMCA football club site currently comprises an 11 v 11 grass pitch with boundary fencing, hard standing areas and covered spectator stands. The proposals to replace the pitch, perimeter paths and add floodlighting fencing, ball stop nets and an equipment store as set out in section 1 are all generally in keeping with this existing sports field environment.
- 6.10 The Council's Landscape Officers have reviewed the proposals and have advised that from a landscape character and amenity point of view, that there are no objections in principle to the replacement 3G pitch surface and associated works given that the site is already in use for sporting activities and the proposals seek to improve the facilities for an all-weather pitch. However, objections have been raised on landscape grounds to the loss of a veteran tree, which are discussed below.
- 6.11 Accordingly the general design and appearance of the proposed 3G pitch and associated infrastructure is not considered to conflict with Policy 33 of the HDPF 2015.

## **Impact on Trees, including a Veteran Tree (T10)**

- 6.12 Policy 31 of the HDPF requires development to maintain or enhance the existing network of green infrastructure and states that proposals which would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained. Policy 33 of the HDPF presumes in favour of the retention of natural features including trees.
- 6.13 The application has been accompanied by an Arboricultural Impact Assessment, since revised in February 2023 (V4; RPS group dated 22 February 2023). The AIA identifies a number of trees around the site, including a veteran Ash tree (T10) on the western boundary of the site.
- 6.14 The definition of a veteran (or ancient) tree as set out in the NPPF as '*a tree which, because of its age, size, and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.*'
- 6.15 The National Planning Policy Framework (NPPF) 2023 provides guidance for the consideration of ancient and veteran trees when determining planning applications at Paragraph 180. Specifically, paragraph 180(c) states that:

*“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists”.*

Footnote 63 explains that this may be for example infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefits would clearly outweigh the loss or deterioration of habitat.

- 6.16 The impact of the proposals on this veteran tree are therefore a very significant material consideration in light of the requirement of Paragraph 180(c), with there being a clear presumption against the loss of such an important and irreplaceable habitat asset.
- 6.17 Natural England’s Veteran Tree publication dated 01 February 2000 ‘A Guide to Good Management’ chapter 2 states that there are three guiding principles that define a veteran tree which encompass *‘trees of interest biologically; aesthetically or culturally because of their age; trees in the ancient stage of their life; trees that are old relative to others of the same species’*. It is advised that size alone is a poor characteristic for determining veteran trees status, although some rules of thumb exist such as *‘trees with a diameter at breast height or more than 1.0m (girth 3.2m) are potentially interesting; trees with a diameter of more than 1.5m (girth of 4.7m) are valuable in terms of conservation; trees with a diameter of more than 2.0m (girth 6.25m) are truly ancient’*. It is also advised that *‘absolute age is also a poor indicator of ancient status for trees as different trees tend to live for a different number of years and as such age can only be used when considered in comparison with other trees of the same species.’*
- 6.18 The Planning Statement submitted by the Applicants originally proposed to remove the veteran Ash Tree (T10) in order to facilitate the new 3G pitch as given *‘its close proximity to the proposed development, and because of the level of excavations required within its Root Protection Area (RPA) to facilitate this scheme will result in a high level of root severance that would be detrimental to the tree’s health, and would likely result in its early mortality’*. Other than a small section of hedging no other tree is indicated for removal as part of the development proposals.
- 6.19 The Council’s Tree Officer has raised objection to the removal of the veteran Ash tree on the grounds that *‘the loss of the veteran Ash Tree (T10) due to the tree’s age, its protected and veteran status and because it appears to be structurally sound and currently not infected with Ash dieback. Furthermore, the loss of this tree would be contrary to the relevant parts of the NPPF, at a national level and local planning policies as set out in paragraphs 31 and 33 of the Horsham District Planning Framework (2015), that actively seek the retention of important trees on development sites.’*
- 6.20 Following these comments, the Applicants have subsequently changed their strategy to instead facilitate the ‘assisted decline’ of the veteran Ash tree, rather than its immediate removal. This is explained in the updated Arboricultural Impact Assessment (AIA) at Paragraph 1.8, where the ‘assisted decline’ approach is identified as ‘Option 2’.
- 6.21 The updated AIA advises at paragraph 6.13 that *‘this would involve the tree being heavily reduced in size, leaving a manageable core of the tree which would potentially continue to serve an ecological benefit. The managed decline will retain the tree in the landscape for an extended period and allow the construction of the AGP’*. The AIA specifically states that *‘the veteran tree T10 cannot be retained in its current form if the development is to proceed. It is therefore recommended that the bulk of the stem be retained as habitat which will allow for retention of some of the habitat value of the tree. Despite the tree potentially declining due to disease in the future, extensive compensatory planting has been proposed anyway to assist the offset of the loss. While the loss of T10 would be considered problematic under usual circumstances given its age class, the situation with ash dieback disease (Hymenoscyphus fraxinea) in the UK means the tree is likely, on the balance of probabilities*

*and based on current forecasts, to succumb to the disease at some point in the not distant future. 'Research from UK and Europe has found that seven or eight out of every ten ash may die.' – The Tree Council.'*

- 6.22 The Council's Tree Officer has advised that *'if the public benefits of this proposal are considered to outweigh the loss of T10, and if Officers are minded to approve this application, then it would recommend that the tree is managed using option 2 as set out in para 6.13 of the AIA. Where it is suggested that the decline of the tree could be assisted by retaining it but heavily reducing it in size, leaving a manageable core of the tree which could potentially continue to have some ecological benefit to the locality.'* The Council's Landscape Officer has also advised that an assisted decline rather than complete removal of the tree would be preferred in this scenario, in order to retain some of the ecological benefits of the green corridor along the western boundary.
- 6.23 However, the Council's Tree Officer has also advised that *'there is nothing to suggest that the tree is currently infected with Ash dieback (ADB) (Hymenoscyphus fraxineus), a chronic fungal disease of ash in Europe characterised by leaf loss and crown dieback in infected trees...It is acknowledged that the tree may eventually become infected with ADB; however, as the tree currently isn't, it would not be appropriate to use this potentially forthcoming issue as sufficient justification for the felling of this protected veteran tree. This issue would need to be addressed at the time if the tree were to become infected with ADB.'*
- 6.24 It is not considered that there are any alternative measures such as no dig foundations or cell web construction over the root protection zone of the ash tree that would be appropriate in these circumstances, because as part of the design warranty considerations and the requirement to guarantee the pitch sub-base for 25 years, this would require the installation of a pre cast concrete retaining wall down to a stable base to a depth of 2.5m (through the tree roots), and therefore this would invalidate any warranty. The applicants have identified in Section 5 of their Planning Statement that there are no engineering measures that can be taken to avoid impacting the veteran tree's root system to save the tree.

#### *Whether there are any alternative site configurations*

- 6.25 The applicants have considered four alternative configurations for the pitch layout to avoid the loss of the veteran tree. The alternative options are as set out on the following site plans: Option A MCA MUK2566 -06 Rev B; Option B MCA MUK2566 -08; Option C MCA MUK2566 -08; Option D MCA MUK2566 -09. However, these site appraisals (options A-D) have been discounted by the applicants for the following reasons:

Alternative Option A - Rotating the pitch north to south and shunting to the north would result in an unacceptable solution because of the diverse impact upon tree T4; the pitch would extend outside the northern site boundary; the pavilion stand would be lost.

Alternative Option B - Rotating the pitch north to south and shunting to the south would avoid the tree protection zones but would push the pitch outside of the southern side boundary; it would result in the loss of the community building and changing rooms and stand which would need to be built on the remaining car park therefore drastically reducing car park provision overall; there would be insufficient land around the layout would not be sufficient for retention of the clubhouse or the car park.

Alternative Option C – Rotating the pitch (approx. 45 degrees) north to south would fit within the confines of the site boundaries however the clubhouse and stands would all need replacing; the car park would also be lost.

Alternative Option D – Flipping Option C (reflection) north to south would result in the loss of trees T1 and T2; the clubhouse and stands would need replacing; the car park would be lost.

- 6.26 Having ruled out Options A – D, the applicants consider that the scheme submitted with this application represents the most viable option, whereby the club facilities and car park would all be retained and the new 3G pitch could be accommodated. This option however results in the immediate deterioration and ultimately the likely premature loss of the veteran tree through managed decline, as explained above.

*Proposed compensatory measures*

- 6.27 To compensate for the managed decline and likely premature loss of the veteran tree the applicants propose to plant twelve new trees in an alternative location within the site boundaries. Whilst this is welcomed the Council's Tree Officer considers that *'any replacement planting, even if of heavy-duty nursery stock, would take many decades to reach a similar stature to that of T10 and thus reinstate an equivalent level of visual amenity value which a TPO is designed to uphold, and the same level of ecological benefit that the tree currently provides to the area. For this reason, any replacement planting would, in my view, be insufficient to mitigate the loss of this veteran tree, which is irreplaceable.'*
- 6.28 The Council's Ecology Consultant has separately advised that veteranisation of mature trees in suitable locations on the site could also be secured as compensation for the loss of the veteran tree. If there are suitable mature trees within the red line boundary of the site appropriate arboricultural techniques (see 3 Veteranisation Sept 2019\_Vikki\_AA Conf - Compatibility Mode (trees.org.uk)) could be included within a condition for a Tree or Landscape Management Plan.
- 6.29 Veteranisation is *'the act of intentionally causing damage to young trees that would otherwise take years to happen naturally, the process can involve creating woodpecker holes, broken branches, stripped bark, cavities caused by fungi, hollowing by rot, or even lightning strikes, this process 'accelerates the formation of decay features in the younger generation of trees to ensure there will be a continuity of old trees to support the nationally important saproxylic invertebrate assemblage'.*
- 6.30 In the event that planning permission were to be granted the Council's Ecologist has advised that this requirement can be secured within a suitable condition to plant and maintain replacement trees. There is no evidence in the submitted AIA that there are any other trees on the application site that have been subject to any veteranisation process and this has been confirmed by the Applicants. The Applicants have though advised that the club would be willing to veteranize some trees if necessary. Therefore, alongside the planting of 12 new trees, it appears there may be opportunities for suitable compensation for the loss of the veteran tree.
- 6.31 It is important to note, however, that the presence of a potentially suitable compensation strategy is not reason to justify the loss of the veteran tree. The test of Paragraph 180(c) is first to establish whether there are wholly exceptional reasons, and if so to only then consider whether a suitable compensatory strategy exists. The Council's Ecology consultant has reviewed the justification for the managed decline of the tree and after considering the advice of the Council's tree officer as set out above, has raised an objection to the deterioration/loss of the veteran tree accordingly.
- 6.32 In this case, whilst it is clear that the proposals would have public benefits if permitted, it is not considered that these public benefits, which essentially amount to intensifying the year-round use of an existing community sports pitch, would amount to the 'wholly exceptional reasons' necessary to justify the loss of this tree, either immediately or through managed decline. Conflict with Paragraph 180(c) of the NPPF therefore arises.

### *Conclusion*

- 6.33 The deterioration (through managed decline) of the veteran tree (T10), would lead to loss in terms of its amenity value (and essentially to the veteran tree's premature loss over time), brings the development proposals into conflict with local and national planning policies, and it is concluded that there are not a 'wholly exceptional reasons' to justify the loss of this tree. The Council's Tree Officer maintains their objection to the deterioration and loss of this tree due to its age, its protected and veteran status, and because it appears to be structurally sound and currently not infected with ADB. It is therefore considered that the application does not comply with Policy 31 or 33 of the HDPF or Paragraph 180(c) of the NPPF (2021).

### **Amenity Impacts:**

- 6.34 The HDPF at Policy 33 seek to protect the amenities of existing and future residents from adverse impacts resulting from new development.
- 6.34 Given the existing use of the site as a football ground, the type and level of activity generated by the proposed new pitches is considered comparable to the existing use of the grounds albeit that the frequency use of the facilities is likely to increase across the year as it would be able to be used at times when the grass pitch would otherwise be in a poor condition and/or be being repaired. Accordingly the application has the potential to impact neighbour amenity, including from issues arising from the physical operations arising from the construction of the new pitches, installation of floodlighting and the works to the veteran tree (T10); the potential nuisance generated by the use of the proposed facility; impacts on air quality; as well as noise, light and traffic associated with the use.
- 6.35 In respect of the physical operations of replacing the existing grass pitch with an AGP and the works to the veteran tree, it is considered that disturbance arising from these operations will be short term and can be suitably managed by the imposition of a 'Construction Environmental Management Plan,' to be submitted prior to commencement of any works.
- 6.36 A Travel Plan to address in part the Air Quality and traffic concerns that have been raised during the formal consultation process has also been requested by the Council's Environmental Health Department to as referred to in the section below and can be secured by condition.

### Noise

- 6.37 The Football Club is currently opens until 10pm Mon-Fri and until 8pm Sat & Sun for outside activities with the bar and indoor entertainment, such as dance, and indoor sporting events open from 10:00-23:30 Mon-Thursday, 10:00-00:30 Friday/Saturday and 11:00-23:30 Sunday (under their Environmental Health Licence), but is unfettered in terms of the planning restrictions except for use of the floodlights (10.00pm cut off). The bar is closed half an hour before those closure times. Planned opening hours moving forward are from 08:00am to 22:00pm Monday to Friday and 08:00am to 18.00pm Saturday, Sunday and bank holidays. The applicants anticipate that during the summer the pitch would be used less as the football season is closed. In total it is advised that the proposed usage is likely to be approx. 35hours a week but this can change based on local demand. The current overall hours of use are around 9-12 hours per week due to limitations on play because of the quality of the existing grass pitch along with the effects of inclement weather conditions.
- 6.38 In regards to the impact of noise and disturbance arising from the use of the facility as an all-weather football ground, it is not considered that the new pitch would result in a significant increase in noise levels, albeit it is acknowledged that its general use will likely increase compared to existing with it being anticipated in the submission that the YMCA football teams would have up to 14 additional sessions per week and a further 4 additional sessions per week in the off peak period outside of the football season. It is advised that sessions 'are

normally booked weekly and for between 2 - 4 hours depending on the clubs needs, these tend to be booked throughout the football season (September – May), once the end of a football season ends its likely that the books will drop off by these clubs during the summer’.

- 6.39 The applicants have submitted a Noise Management Plan in respect of the application for the 3G Artificial Grass Pitch, which has been reviewed by the Council’s Environmental Health Officers. Whilst the details are considered broadly acceptable, further details have been requested by way of an appropriate condition requiring specific details of the ball stop mitigation, including details of isolating fixings, management responsibilities and maintenance schedule. The Noise Management Plan also includes details of the Noise Complaints Procedure and Complaint Reporting details. These can be secured by condition.

#### Floodlights

- 6.40 The application is supported by a FA Framework Football Pitch – Giga Tera document (dated 17 August 2022 from Christy Lighting Mass Ltd), which sets out the details of the proposed replacement floodlighting columns and their position on the pitch, and the associated luminaire details. The existing floodlights are restricted by condition (DC/10/1434) which states that the floodlights shall not be used after 10pm on weekdays, after 6pm on Saturdays and not at all on Sundays. An identical condition can be recommended in the event permission is to be granted.
- 6.41 The Council’s Environmental Health Department have raised no objections to the proposed floodlights or to their locations. It is advised however, that in the event that planning permission were approved suitable conditions are imposed to ensure that the proposed lighting details and are in accordance with *‘the Institute of Lighting Professional’s Guidance notes for the reduction of obtrusive light’*, and are *‘designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the ILP document “Guidance Notes for the Reduction of Obtrusive Light GN01-21.”*, that prior to commencement of operation the *‘approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the ILP document “Guidance Notes for the Reduction of Obtrusive Light GN01-21’* to order to ensure that properties in Gorings Mead and Queensway are not adversely affected by potential light spillage or glare from the proposed floodlights.
- 6.42 Whilst some impacts on private amenity are likely to arise from the proposals in terms of the level and degree of activities on site, it is considered that the noise and disturbance that will be experienced would result in no greater degree of harm to the private amenity of nearby residential occupiers than as currently experienced. In the event that the application is recommended for planning permission, appropriate conditions can be recommended as discussed above.
- 6.43 Subject to the recommended conditions it is therefore considered that the impact on neighbouring amenity can be suitably managed such that the proposals would be compliant with Policy 33 of the HDPF.

#### **Highways Impacts:**

- 6.44 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.45 The vehicular and pedestrian access to the site (as is) is from Gorings Mead a residential cul-de-sac as accessed via Brighton Road (A281). Existing access arrangements into the Football club will remain with no changes proposed.
- 6.46 The applicants have submitted a Traffic and Transport Statement (V2; dated 28 November 2022) to support the application proposals which advises that the site is currently used for

both indoor (snooker, functions, training courses, meetings, blood donors) and outdoor events (football matches, training, tournaments, courses). It is advised that these events and functions are typically attended by 10-150 people and occasionally up to 300 people. The statement sets out that whilst the number of people attending the events would not increase greatly, the number of events and repeat visits would likely increase. As the site is currently unrestricted, these functions could increase in number in any event.

- 6.47 It is advised that the use of the facility (by a mix of age groups) is generally by the local community and that *'cycling and walking is one of the main options for many local users,'* the supporting statement also advises that cycling will be encouraged with secure cycle stands for 14 bicycles inside the grounds. It is also advised that there are various cycle routes and cycle friendly roads to access the grounds. It is advised that car sharing is promoted, and also noted that Horsham Railway and Bus Stations are a (approx.) 14 -16-minute walk to / from the football grounds. The nearest bus stop is Gorings Mead on the A281 Brighton Road close to Clarence Road. It is advised that for larger events when are larger number of visitors are expected and when parking and overflow parking at the ground could not accommodate them, an Event Management Plan including provision of parking marshals would be in place. The supporting statement also refers to the many public car parks available within Horsham that are within walking distance to the football ground.
- 6.48 The existing parking arrangements provide 65 parking spaces, including 2 disabled spaces and an area for motorcycles. There is a further 30 spaces for overflow vehicle parking to the rear of the club house (95 spaces in total). A link to web site showing parking availability in nearby public car parks is given within the Transport Statement.
- 6.49 WSCC Highways have been consulted and have raised no objection to the proposals subject to the imposition of a construction management plan and imposition of condition regarding a Travel Plan. WSCC Highways advise that the proposal would not likely result in any impact beyond the YMCA Football Clubs current highway impacts.
- 6.50 It is considered that although the traffic movements are likely to increase over the day assuming the number of events using the new pitch increases, it is not considered that they would give rise to severe highway concerns or safety concerns, and there are therefore no transport grounds to resist the proposal. Subject to conditions, the Highway Authority raises no objection to this application. The proposal is therefore in accordance with Policies 40 and 41 of the HDPF and the NPPF.

### **Ecology:**

- 6.51 Policy 25 of the HDPF aims to conserve the natural landscape and biodiversity and aiming to enhance biodiversity where possible. Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Policy 31(2) states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.
- 6.52 NPPF Para 175 (c) sets out that when considering planning application and the identification of 'irreplaceable habitats' local planning authorities should apply the following principles: *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists'*.
- 6.53 The principle for establishing irreplaceable habitat is complex and incorporates four key criteria which contribute to a decision that a particular habitat is irreplaceable; the criteria relate to age; environmental context; achievability of re-creation and geographic position within the landscape. Habitat may be considered irreplaceable when any one or more of the initial three criteria or at least one of these criteria plus the fourth are considered to apply.

- 6.54 At a minimum, an extended Phase 1 habitat Survey and a desk study to obtain records for site designations, habitats and species is required. The Applicants have submitted an Ecological Appraisal (EA) (RPS Group September 2022) which comprised a Phase 1 habitat survey and a Scoping Survey for protected species and specie of conservation concern. The EA notes that the application site is within 1.5km from the designated High Weald Area of Outstanding Natural Beauty (AONB) and is also immediate adjacent to the non-designated St Marys Chesworth Farm Local Wildlife Site, adjacent to the southern boundary of the application site.
- 6.55 The submitted Ecological Appraisal addresses the impacts of the development on protected and priority species and habitats, particularly bats, and identifies proportionate mitigation. The Phase 1 habitat Survey identified habitat types and boundary features including very short amenity grassland (less than 2cm); small area of common nettle along the northern part of the site along with unmanaged grassland; scattered boundary trees which included ash, oak, silver birch and elder; carpark hardstanding (including pathways across the centre of the site) to the southern and eastern parts of the site and buildings including the YMCA building, storage buildings and spectator stands. The Scoping Survey, using species records from the Sussex Biological Records Centre (from the past 10 years) identified previous presence on the site of protected species including various birds, bats, hedgehogs and hazel dormice, however, the Ecological Scoping Survey identifies that suitable habitats for invertebrates, amphibians, reptiles, birds, bats, badgers and hazel dormice or other protected of notable species, is limited, given the mainly close mowed amenity grassland nature of the site and lack of suitable habitat or features.
- 6.56 The tree canopy to the veteran tree (T10) overhangs the amenity grassland within the application site. This and other trees along the southern and western boundaries provide suitable habitat for foraging and commuting bats however, the Applicant's Ecological Appraisal states that the suitability of the trees for roosting and foraging for bats is limited given the presence of the 6 existing floodlights around the perimeter of the site.
- We are therefore satisfied that loss of irreplaceable habitat as described in the NPPF have been avoided. We have recommended veteranisation of mature trees to provide veterans of the future and requested that this measure is secured under the landscape management plan.
- 6.57 It is advised within the Applicant's supporting Ecological Statement that amenity grassland, and a section of hawthorn hedge will be cleared to facilitate the application proposals will be affected by the proposals. It is advised within the applicants supporting ecology statement that these habitats, except for the veteran tree, are identified as being of low ecological value.
- 6.58 The Applicant's Ecological Appraisal notes that there are 4 ponds within 500m of the application site boundary, however it advises that the site is largely unsuitable for amphibians given the dominance of short, mowed amenity grassland.
- 6.59 Whilst the applicants propose the assisted decline of the veteran Ash tree (T10), the Council's Ecology Consultants are keen to understand whether the tree has been checked for bat roost features and also require clarification of the mitigation and compensation measures needed for part removal of the tree. An appropriate bat survey has been undertaken on site in order to ascertain the ecological impacts of works to the veteran tree confirming that no roosting Bats are present.
- 6.60 Mitigation and Enhancement measures identified within the Ecological Appraisal include pollution prevention measures for dust suppression and provision of spill kits within construction methods to avoid impacts on the nearby designated site along with demarcation fencing to protect trees adjacent to the site. Further mitigation includes the planting of 12



additional trees along the western and northern boundaries of the site to compensate for the loss of the veteran Ash tree.

- 6.61 Other mitigation includes the presence of a suitably qualified Ecologist on site to check trees and hedgerow for nesting birds prior to any clearance if carried out during the breeding season (typically March – August inclusive); although it has been identified that badgers are unlikely to be present on site precautionary mitigation measures are required during works if excavating using open-trench methods, mitigation measures include provision of mammal ladders; capping off of any large pipework overnight; and in respect of both badgers and bats the avoidance of nightwork, and any floodlights should also face away from site boundaries; it is also advised that chemicals and machinery to be stored in secure cupboards. Bat friendly lighting should be considered when designing an appropriate lighting scheme.
- 6.62 In accordance with the NPPF (2023) recommendations, which states that where possible development proposals should provide opportunities for 10% biodiversity net gain. Enhancement measures included within the application proposals includes additional tree planting (12 new trees proposed including six native hard wood trees (3 oak and 3 lime trees) on the site); provision of bird boxes; and wildlife sympathetic management of habitats around the perimeter of the site such as phased mowing schedules to allow for habitat variability.
- 6.63 The Council's Ecology Consultants support the recommendation for the implementation of a Biodiversity Method Statement in the Ecological Appraisal (RPS Group, September 2022), as there four ponds within 500m of the site and the hedgerow to be removed currently provides refuge and foraging habitat for amphibians and reptiles (Ecological Appraisal (RPS Group, September 2022)). It is advised that the Biodiversity Method Statement should be secured by a condition of any consent and implemented in full. The Council's Ecology Consultants also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal (RPS Group, September 2022).
- 6.64 Additionally, the Councils Ecology Consultants support the proposed biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. It is advised that these enhancements should be secured though Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to beneficial use.
- 6.65 Whilst the enhancement and mitigation proposals appear to be acceptable, overall, your officers advise that the application proposals do not accord with Policy 25 of the HDPPF, or the NPPF, given that the proposals would result in the deterioration and loss of veteran tree (T10).

### **Water Neutrality**

- 6.66 Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water 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 near Pulborough. The Position Statement advises the affected local authorities that developments within the Sussex North Supply Zone must not therefore 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.
- 6.67 In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations

2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habitats site. Section 63 of the Regulations sets out the process by which an HRA must take place.

- 6.68 The requirements of Section 70(3) are reflected in paragraph 180 of the NPPF, which states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'
- 6.69 The application site at falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore a material planning consideration relevant to the application. Given the requirements of the Habitat Regulations and paragraph 180 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making.
- 6.70 The applicants have submitted a Water Neutrality Statement (by H20geo Ref: 20230221P1 WNS, dated 16 May 2023 version Final v1.2) this provides minor updates to the Water Neutrality Statement as originally submitted (dated 16 March 2023) (V 1.0 first issue).

#### Existing Water Demand

- 6.71 The original Water Neutrality Statement sets out that the total mains water consumption includes an estimated 375 l/d to water the existing grass pitch, (based on 375 litres a day x 365 litres per year) equalling 136,875 l/p/y and in respect of use of the facilities within the clubhouse and pavilion functions / changing rooms and washrooms, 586l/d equating to water demand (based on 586 litres a day x 365 litres per year) of 213,890 l/p/y. This is confirmed by the water usage bills submitted by the applicants. Overall, the existing water demand of 961 l/d results in an estimated water demand (based on 961 litres a day x 365 litres per year) of **350,765 litres per year**.

#### Proposed Water Demand

- 6.72 The proposed water demand (including onsite mitigation) includes the estimated savings derived from the previous need to water the pitch (as the 3G pitch does not require watering) which amounts to the aforementioned 136,875 litres per year, resulting in an immediate water saving of **136,875 litres per year**.
- 6.73 Notwithstanding this saving, the anticipated water demand at the club and pavilion would increase as a result of the increased use of the all-weather 3G artificial pitch system and associated facilities throughout the year. It is anticipated that water demand would increase by an additional 2800 litres /week (during the season) and 800 litres per week (out of season) based on the anticipated increased usage of the site by the football teams for matches and training and other visiting groups such as slimming world; blood donors and ad hoc meeting and other functions. It is anticipated that the YMCA football teams would meet up to 14 additional sessions per week and a further 4 additional sessions per week in the off peak period outside of the football season. It is advised that for each session 40 people will be on the pitch. This comprises 4x 5-a-side matches or one 11-a-side match with squads of 20 people including players and coaches. It is advised that 40 people per session is an overestimation however, it is likely to represent the average number on site during a 30-week season. Water consumption for each person on site, on average, per session has been taken at 5 litre, it is advised that this is considered conservative as some people will not use any

water whilst others will use showers, WCs, wash-hand basins and drinking water facilities. Usage is demonstrated on the FTP AGP Usage Plan submitted with the application.

- 6.74 Overall, this would result in additional water demand of **84,000 l/p/y** (based on 2,800 l/p/w x 30 weeks in season) plus **17,600 l/p/y** (based on 800/p/w x 22 weeks out of season) equalling additional water demand of **101,600 l/p/y**.
- 6.75 The additional water demand is anticipated to be less than the 136,875 l/p/yr resulting in an overall water demand saving of **35,275 l/p/y**.
- 6.76 The Natural England (Water Neutrality) were consulted on the original Water Neutrality Statement (dated 16 March 2023 v1.0) and requested further information on the applicants figures provided, specifically in regard to conservative calculations. Following this, the applicants submitted their revised Water Neutrality Statement (dated 16 May 2023 v1.2) with updated information to address this matter. The applicants have confirmed that conservatism has been built into the calculation by assuming a population of 40 for each session with a 20% safety factor to pro-rate the consumption over the whole population attending the pitch.
- 6.77 Based on the findings of this Water Neutrality Statement, Natural England have advised that no objection is raised subject to appropriate mitigation being secured in order to ensure that the proposed development does not result in any adverse effect on the integrity of Arun Valley Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar site. It is advised therefore that a suitable condition is imposed to secure the delivery, management and maintenance of measures identified in the water Neutrality Statement to achieve Water Neutrality.

#### **Climate change:**

- 6.78 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity, and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- A Water saving of 35,275 l/p/y would be saved as a result of the proposals.
  - Opportunities for biodiversity gain (12 new trees proposed along with bird and bat boxes)
  - Cycle parking facilities
  - Pedestrian and cycle links
  - LED Floodlights
- 6.79 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

#### **Other Matters:**

##### Viability and Need for Development

- 6.80 It is advised that the YMCA Football Club has been on the current site since 1929 and now forms part of the YMCA Downslink Group (YMCA DLG), and is one of the biggest youth charities in the South East of England supporting 10,000 children less than 18 years of age and young people aged 18-25 years each year. The supporting statement advised that the provision of the AGP would allow the YMCA Downslink Group to provide greater opportunities for sport and additional funding for youth and support services that they require as well as supporting a Youth Pathway for young players in the Horsham Area to enable them to develop football skills and to meet their individual expectations at the highest levels.

The YMCA Downslink have advised that due to the level of demand at the club *'they are unable to cater for the football clubs needs as well as the needs of the charity due to the quality of the grass pitch and limitations on hours of play each week on the existing grass pitch. It is advised that there is a significant local need and lack of provision of fully sized 3G AGPs which are available for community use and that this has an impact on the health and wellbeing of local residents, including vulnerable children that are supported by the YMCA Downslink Group. Although the Football Club is well run by a Management Committee and is staffed entirely by volunteers over the past five years, the cost of running the club has exceeded the club's income'*.

- 6.81 Financial information detailing the level of income per annum and the underlying losses per year greater than any financial income received by the club (as set out in Para 3.15 of the Planning Addendum Statement). It is advised that existing revenues from the club are not sufficient to sustain the operation of the club in its current form despite 400 hrs of volunteer hours that support the club. The Addendum goes on to say that 'a "do nothing" scenario is unsustainable in the medium term'. Finally, the Addendum states at paragraph 3.17 that without the significant investment of the 3G pitch the club 'may not be sustainable and could cease to exist'.
- 6.82 Whilst headline figures of the club's underlying losses of £34,200/year and required annual income of £120,000 are provided within the Addendum, no further detailed viability case has been presented by the applicants. It is not therefore possible to independently assess the viability of the club. Accordingly, limited weight can be given to the applicant's case that that the club might cease to exist in the future if the 3G pitch is not provided.

#### Sports England

- 6.83 Sports England have been consulted and have raised no objections to the proposals, advising that *'the proposal will help to meet the club's and FAs sport development priorities, the facility would comply with Sport England and FA design guidelines'* and have requested that suitable conditions be imposed requiring certification that the AGP permitted meets with FIFA Quality Concept for Football Turf FIFA Quality or equivalent International Artificial Turf Standard (IMS) and confirmation that the facility has been registered in writing by the Local Planning Authority. A 'Community Use Agreement' to include ancillary including parking; changing and toilets etc, details of pricing policy; hours of use; access by non-members; management responsibilities and details of the mechanisms of review, as well as a condition requiring details of the Management and Maintenance Schedule to be submitted prior to the use of the AGP.

#### **Flood Risk and Drainage**

- 6.84 NPPF paragraph 163 states – 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'
- 6.85 Current surface water risk shows that the proposed site is at low risk from surface water flooding and is located in Flood Zone 1. The site is less than 1 hectare and as such a flood risk assessment is not required to be submitted with this application.
- 6.86 A Ground Investigation Report prepared by Soiltechnics (dated May 2021 Ref STT5929 -G) has been submitted as supporting information with the application. It is advised that the surface and subbase for the 3G pitch and hardstanding areas are porous with surface water from the pitch being stored in the base and collected via new drains which discharge into the existing storm drainage to the southwest of the pitch. The Council's Drainage Officer has been consulted and has requested that standard drainage conditions are imposed.
- 6.87 The West Sussex Lead Local Flood Authority (WSLLFA) has been consulted and have advised that the area of the proposed development is at low risk from groundwater flooding

based on current mapping and modelling, site specific monitoring and historic data. It is also advised that there are no records of any surface water flooding within the site. The WSLFA object to the proposals and advise that clarification of the existing site drainage needs to be carried out and further information is required in respect of effective drainage of the playing area in order to demonstrate that this application would not increase flood risk elsewhere and that betterment for surface water systems should be sought in line with WSLFA policy for the Management of Surface Water. Notwithstanding this, the Council's Drainage Officer has confirmed that the proposed drainage system would drain into the existing soakaway by the Inspection Chamber as shown on the submitted plan, and that subject to conditions to demonstrate that the existing drainage system is fit for purpose the drainage strategy is considered to be acceptable.

- 6.88 In the event that the application is recommended for approval suitable surface water drainage conditions are therefore required.

**Conclusions:**

- 6.89 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be in accordance with the development plan unless other material considerations indicate otherwise. The application requires consideration of the planning balance to assess the benefits of the development weighed against any adverse impacts that are associated with it.
- 6.90 The development is acceptable in respect of its principle, general design and highways impact, and subject to conditions would be acceptable in respect of its impact on neighbouring amenity. It has also demonstrated water neutrality. However, the deterioration and loss of the veteran Ash tree through managed decline is in conflict with the requirements of Policy 31 and specifically that of Paragraph 180 of the NPPF. The requirement of Paragraph 180(c) sets a high bar when considering applications which would result in the loss or deterioration of irreplaceable habitats such as veteran trees, requiring that there are 'wholly exceptional reasons' and that a suitable compensation strategy exists.
- 6.91 In this case, the Applicants maintain that the managed decline of the veteran Ash tree is, in their opinion, justified as the proposals bring with it substantial public benefits and alternative sites are not an option for development of the 3G Pitch, as well as the fact that the proposals cannot be redesigned without significantly affecting the viability of the scheme. Particular mention is made of the financial benefits of the 3G pitch in addressing current annual losses for the club.
- 6.92 The Applicants have considered alternative football pitch configurations to avoid impacting the veteran Ash tree however given the other constraints of the site (including other trees, the location of residential dwellings along and adjacent to the site boundaries, and the location of the existing club house and pavilion). The Applicants advise though that the current scheme before the Council provides the best of the four possible options considered given the need for the pitch size (160m x 70m) to meet grading requirements set by the Football Association and to ensure the viability of the project and the operational requirements of Horsham YMCA FC.
- 6.93 The Applicants have also looked to see whether alternative sites could (subject to planning permission) meet the required need for the AGP. A total of 16 alternative sites were considered including The Bridge Leisure Centre; Broadbridge Heath Football Club; Tanbridge House School; Dereham Way; Horsham Trinity Cricket Club; Horsham Sports Club; Horsham Park; Holbrook Primary School; Dutchells Copse Football Pitches; Roffey Football Club; Holbrook Club; Horsham Crusaders Football Club; Leechpool Primary School; Millais School; The Forest School and Horsham Rugby Football Club. Related constraints and insufficient space for a full size pitch rendered many of these options unviable; others already meet the existing demand or not having links to the potential pitches and therefore

not being able to meet operational requirements; loss of existing sports provision in conflict with Sport England's policies and an overall conclusion that there were no options that were either practicable or viable alternative sites to meet the Horsham area's needs. It is advised that there are no other alternative sites that could accommodate the new 3G football pitch as proposed, however, this is not considered a reason in itself to justify the application proposals on the existing YMCA site as proposed.

- 6.94 Officers accept that the Applicants have explored all reasonable alternatives to avoid the need to manage the decline of the veteran Ash tree, and agree that the proposed replacement of the existing grass pitch with a 3G pitch constitutes a public benefit by allowing for increased use of the site for activities that promote exercise, health and overall well-being. However this, and the fact that alternative options have been discounted, is not necessarily unusual or unique such as to meet the high bar 'wholly exceptional reasons' test of Paragraph 180(c). Whilst it is an aspiration of the Council to increase the number of 3G pitches in Horsham, it is not the case that there are no existing 3G pitches, or that this site represents the only option for increasing the number of such pitches generally.
- 6.95 Fundamentally, the tree is in good health and has not been identified as having Ash Die Back. It would not be appropriate to agree to the loss of this tree on the basis that it might get Ash Die Back in future, as there is no evidence it certainly will. The tree in all other respects is a healthy specimen with strong amenity and ecological value due to its veteran status.
- 6.96 Accordingly, the recommendation of officers is that 'wholly exceptional reasons' have not been demonstrated to justify the deterioration and likely premature loss by way of managed decline of this important and irreplaceable veteran tree. Whilst opportunities for compensation by way of new tree planting and the veteranisation of existing trees exist, such compensation must only be considered once the principle of the loss/deterioration of the veteran tree has been accepted. The fact that compensation exists cannot form part of the justification to lose the tree in the first instance.
- 6.97 The proposal therefore fails to comply with the requirements of Paragraph 180(c) of the NPPF and policies 31 and 33 of the HDPF, and is recommended for refusal.

## **7. RECOMMENDATIONS**

- 7.1 That the application be refused on the following grounds.

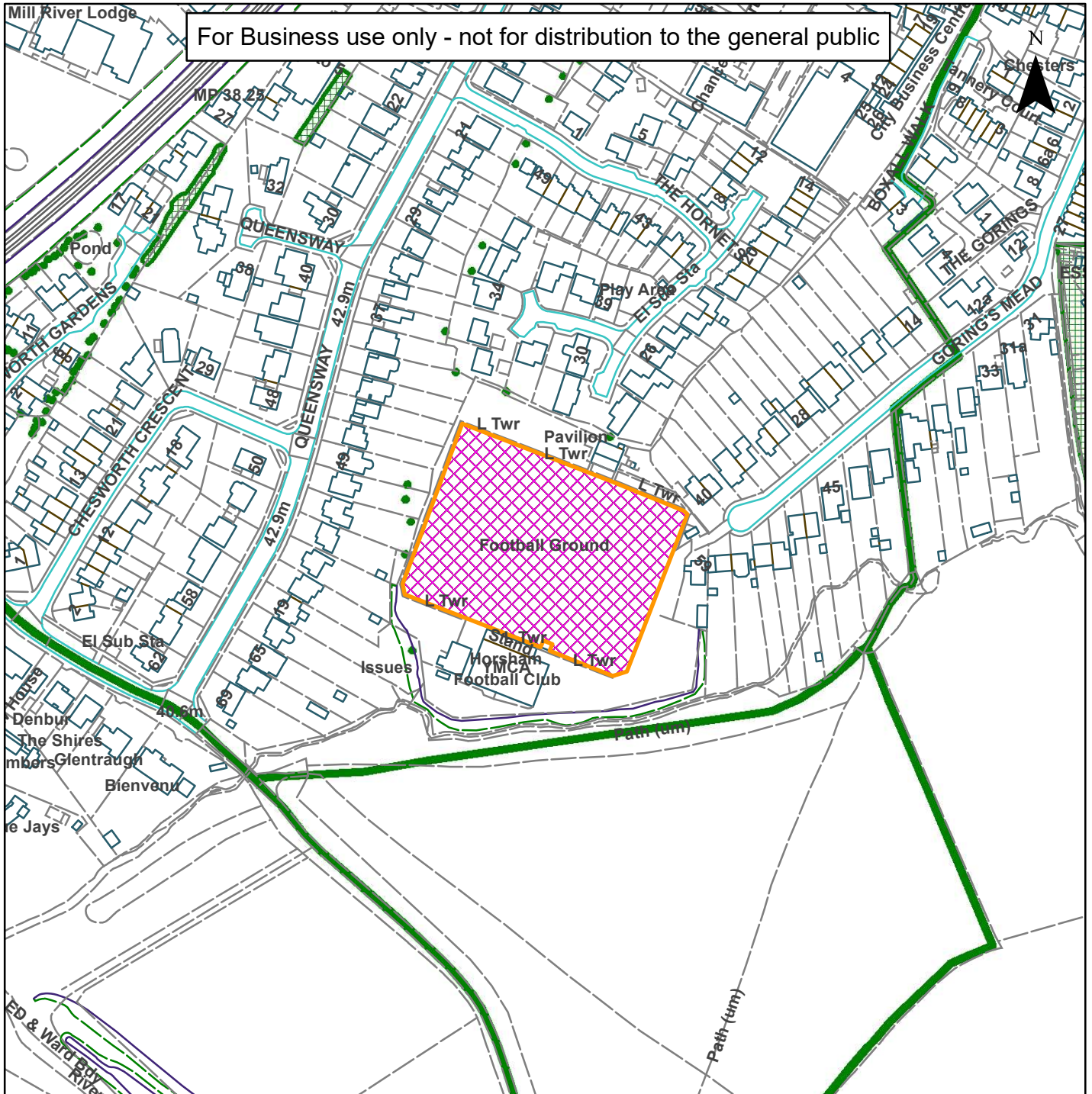
### Reason(s) for Refusal:

- 1 The proposals would result in the assisted decline of an otherwise healthy veteran Ash tree which is of amenity and ecological value to the locality. No 'wholly exceptional reasons' to justify the managed deterioration/loss of this irreplaceable habitat have been satisfactorily demonstrated as required by Paragraph 180(c) of the NPPF, therefore the proposals are considered as contrary to Policies 31 and 33 of the HDPF, and Paragraph 180(c) of the NPPF (2023).



Horsham Y M C A Football Club, Gorings Mead, Horsham, West Sussex, RH13 5BP

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/09/2023
SA Number	100023865

This page is intentionally left blank





**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

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

**DATE:** 03 October 2023

**DEVELOPMENT:** Erection of 6 No. 3-bed dwellings (including 1 No. retirement property), with associated garages, creation of an access drive and landscaping works (Resubmission of DC/20/2454)

**SITE:** Land South of East Street Rusper West Sussex

**WARD:** Colgate and Rusper

**APPLICATION:** DC/21/2172

**APPLICANT:** **Name:** Mr J Sage **Address:** c/o Agent

**REASON FOR INCLUSION ON THE AGENDA:** The development, if approved, would represent a departure from the Development Plan

**RECOMMENDATION:** To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

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

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of 6no. 3-bed dwellings and associated garaging, and the creation of a new access.

1.3 It is noted that one of the proposed dwellings is proposed to be a retirement dwelling, where that property would have to be occupied by at least one person over 60 years of age.

1.4 The proposed dwellings would incorporate a traditional appearance with a hipped roof design and would consist of brick and tile hanging to the external walls, a clay tiled roof and timber framed fenestration. The proposed dwellings would include a lounge, kitchen/dining room, utility room and WC facilities at ground floor level and 3no bedrooms and 2no bathrooms at first floor level. The proposed dwellings would each have an overall depth of approximately 14.2, an overall width of approximately 6.9m and an overall maximum height to the ridge of approximately 9.5m. The proposed GIA to be created for each dwelling would measure

approximately 150sqm (900sqm in total). The proposed garages would measure approximately 15sqm. The proposed access would cut across an existing verge, with foliage removed to facilitate this.

#### DESCRIPTION OF THE SITE

- 1.5 The application site comprises an area of open grassland/paddock located to the south of East Street. The site is located outside of the defined built up area of Rusper, and is therefore considered to be located in the countryside.
- 1.6 The site is bound by a combination of extensive mature soft landscaping and post and rail and close boarded fencing. The site is set at a higher level than East street owing to the verge along the northern boundary sloping up from north to south.
- 1.7 The wider surroundings are characterised by relatively dense residential development to the west and sparse and sporadic development to the east.

## 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:

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

#### **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 9 - Employment Development  
Policy 15 - Strategic Policy: Housing Provision  
Policy 16 - Strategic Policy: Meeting Local Housing Needs  
Policy 24 - Strategic Policy: Environmental Protection  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 31 - Green Infrastructure and Biodiversity  
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

#### **Rusper Neighbourhood Plan 2018 – 2031**

Policy RUS1 – Spatial Plan  
Policy RUS3 – Design  
Policy RUS4 – Local Heritage Assets  
Policy RUS5 – Green Infrastructure and Biodiversity  
Policy RUS10 – Dark Skies

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/2203	Erection of six 3-bed dwellings (including 1 retirement property), with associated garages, creation of new access drive, and landscaping.	Application 04.08.2020	Refused	on
DC/20/2454	Erection of six 3-bed dwellings (including 1 retirement property), with associated garages, creation of new access drive, and landscaping.	Application 02.02.2021	Refused	on

### 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Arboricultural Officer:** Objection:-
- 3.3 The proposed development would result in the carrying out of building and engineering operations likely to threaten the health and stability of mature trees which would be detrimental to the visual amenity and character of the area.
- 3.4 The development proposal drawing no. 1809/01 rev 'E' appears to be a re-submission of that refused three years ago – ref. DC/20/2454. The current landscape character of East Street adjacent to the settlement boundary is an attractive, sylvan, rural lane.
- 3.5 A new access is proposed with associated bin store area and sight line requirements, through the bank and associated belt of trees and understorey vegetation that borders the roadside. In addition, a new pavement is shown alongside the road with connecting path and steps, further urbanising the streetscene.
- 3.6 The engineered road (East Street) will have been a constraint on tree rooting and thus when assessing the rooting constraints posed by the remaining roadside trees a commensurate off-set of the minimum recommended root protection areas of the trees along the roadside and into the site is required.
- 3.7 The engineering requirements along the roadside, to punch through the bank and create an access/bin store area and pavement adjacent to the roadside cannot be undertaken in a manner sensitive to the roots of adjacent trees shown for retention. Direct damage will thus be a pre-requisite in this respect, contrary to the recommendations of the industry standard BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.
- 3.8 **HDC Conservation:** Comment, the proposed dwellings would not cause harm within the setting of the Conservation Area.
- 3.9 **HDC Environmental Health:** Comment. It is apparent, following a site visit, that land to immediate west of the sites western boundary is being used to store miscellaneous building materials and it would also appear that this land use has encroached onto the application site. Are of the view therefore that the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks to future site users, these can however be requested through conditions.

#### OUTSIDE AGENCIES

- 3.10 **WSSC Highways:** Comment. The Local Highways Authority most recently provided comment under DC/20/2454 to which no objection was raised, subject to the Local Planning Authority (LPA) being assured that the splays demonstrated would not pass through third party land. The application was refused for reasons unrelated to highways.
- 3.11 Within this resubmission no Transport Note has been submitted and therefore detailed drawings have not been provided. The drawings and details provided do not show the splays clearly enough. Nevertheless, the red edge has been amended and appears to include the land now required to provide the splays. If the LPA are satisfied with the land ownership red edge shown and deliverability of works then previous comments and advised conditions should be referred.
- 3.12 The latest plans omit garages from the scheme; driveway space for each dwelling is provided and the visitor spaces retained.
- 3.13 Conditions relating to visibility splays, access and turning, cycle storage recommended.
- 3.14 **WSSC Fire and Rescue:** Comment. Currently the nearest Hydrant to these proposed properties is 290 metres away. The supply of water for firefighting for domestic premises should be within 175 metres. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.
- 3.15 **Ecology Consultant:** No objection, subject to conditions:-
- 3.16 Satisfied that sufficient ecological information is available for determination, following the submission of the Ecological Technical Note (The Ecology Partnership, August 2023), which demonstrates that Ash tree with moderate roost potential did not contain roosting bats following surveys in line with standard methodology. This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.
- 3.17 The mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species. In addition, recommended a Wildlife Friendly Lighting Strategy.
- 3.18 Support the proposed bespoke biodiversity enhancement measures, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The bespoke biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to any works above slab level.
- 3.19 **NatureSpace:** With the retention of the tree lines and other suitable habitats agree with the ecology report that great crested newts are unlikely to be present or constrain this development. Are satisfied with the information provided relating to the above application and that great crested newts and/or their habitats are unlikely to be impacted if the proposal was to be approved.
- 3.20 **Southern Water:** Comment that water can be supplied to the site and a formal application for connection and on-site mains would need to be made by the developer.
- 3.21 **Thames Water:** Comment, with regard to surface water drainage, that if the developer follows the sequential approach to the disposal of surface water, there would be no objection.
- 3.22 **Natural England:** No Objection subject to appropriate mitigation being secured.

- 3.23 As submitted, the application above could have an adverse effect on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (together the Habitats Sites).
- 3.24 Note that the existing application has the benefit of an extant permission allowed under DC/14/1936 and DC/14/0413. The supporting evidence indicates that if the extant permission were developed this would result in water consumption of 2154 litres per day.
- 3.25 The Local Planning Authority's Appropriate Assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. From the evidence provided in the Water Neutrality Statement the applicant is using the extant permission allowing 2154 litres per day as a baseline. The Statement concludes that the applicant is able to demonstrate that water neutrality can be achieved using the fitting of water efficient fixtures to the proposed properties and the retrofitting of water efficient fixtures to an existing office at West Point, Horsham.
- 3.26 Therefore, providing all mitigation measures in the Water Neutrality Statement are appropriately secured in any planning permission, Natural England advises that we concur with the assessment. You, as the competent authority, should ensure that the consented scheme would be completed in the absence of planning permission for the current scheme and that conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

#### PUBLIC CONSULTATIONS

- 3.27 **Rusper Parish Council:** Objection. Considered as part of the Rusper Neighbourhood Plan where the conclusion was that it is a greenfield site and fails virtually all sustainability issues; on an undesignated country lane away from any built-up area on land designated as agricultural and used for grazing; it is more than 2.5 miles from the nearest regular bus service along country lanes with no footpaths; there are no services to the site and provision of main drainage would be a significant issue; there is no need identified from the Housing Needs Assessment; designated as not currently developable in the HDC SHELAA 2016 report. Would fail the requirements of the Natural England Position Statement.
- 3.28 1 letter of objection was received stating that nothing has changed since the previous applications.

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

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

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

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

#### 6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the erection of 6no. 3-bed dwellings and associated garaging, and the creation of a new access.

### **Principle of Development**

- 6.2 The application relates to the erection of 6no. 3-bed dwellings along with garaging and landscaping. The application site is located outside of the defined built-up area of Rusper, and is therefore within a countryside location in policy terms. It is however recognised that the defined built-up area is located approximately 25m to the west.
- 6.3 As the site is located outside of any defined built-up area boundary, Policies 3 and 4 of the Horsham District Planning Framework (HDPF) are of relevance in the determination of the application. As stated within Policy 3 of the HDPF, development will be permitted within towns and villages that have defined built-up areas; with development in the countryside more strictly controlled through the provisions of Policy 4. This policy states that development outside of built-up areas will only be supported where the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins a settlement edge. The application site is not identified in the Local Plan and is not allocated within an adopted Neighbourhood Plan. The proposed development would not therefore accord with the spatial strategy expressed through Policies 3 and 4 of the HDPF.
- 6.5 Policy RUS1 of the Rusper Neighbourhood Plan defined the built-up area boundary for Rusper for the purpose of applying Policy 4 of the HDPF.
- 6.6 Paragraph 79 of the NPPF states that "to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."
- 6.7 Paragraph 80 of the NPPF continues that "planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling; or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 6.8 The term "isolated" is not defined within the National Planning Policy Framework, but case law has confirmed that it should be given its ordinary objective meaning of remote and far away from other places, buildings and people, and separate or remote from a settlement, services, and facilities. It was concluded in the Braintree Judgement that a settlement would not necessarily exclude a cluster of dwellings. The application site is located within close proximity to a number of residential dwellings and other buildings, and given this spatial

context is not considered to be “isolated” in its truest sense, and does not therefore engage the considerations of paragraph 80.

- 6.9 In this countryside location, the proposal is also considered against Policy 26 which seeks to protect the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting one of four criteria. These criteria includes: supporting the needs of agriculture or forestry; enabling the extraction of minerals or the disposal of waste; providing for quiet informal recreational use; or enabling the sustainable development of rural areas. The proposed development does not meet any of this criteria, nor is it considered to be essential to the countryside location, and does not therefore comply with Policy 26 of the HDPF.
- 6.10 The proposed development would provide 6no. private market dwellings on a site located outside of a built-up area boundary, where such development would be contrary to the overarching spatial strategy as expressed through Policies 1, 2, 3, 4, and 26 of the Horsham District Planning Framework (2015). Whether this policy conflict is outweighed by other material considerations is considered in the ‘Planning Balance’ section of this report.

### **Design and Appearance**

- 6.11 Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape character from inappropriate development. Proposal should take into account landscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.
- 6.12 Policy RUS3 of the Rusper Neighbourhood Plan states that proposals for new development must be of the highest design standards and will be required to reflect the character and scale of surrounding buildings. Proposals should, where appropriate, satisfactorily take account of the significance of the Rusper Conservation Area and its setting, the significance of any heritage assets and their setting, and the retention of key views of the street scene and out to the countryside.
- 6.13 Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.14 Matters of design and appearance were considered under a preceding planning application on the site, ref: DC/20/2454, where it was concluded that the proposal would result in sympathetic and appropriate additions to the site that would be in keeping with the character of the countryside location in design terms. Specifically, it was considered that the proposed dwellings would be appropriately and sympathetically designed, scaled and sited within the site and their own respective plots/curtilages, allowing for appropriate outdoor amenity space. The overall proposals with regards to the design and scale of the dwelling and the resultant curtilage, would be in keeping with the existing residential properties within the vicinity which all differ in terms of designs, built forms and plot sizes. It was noted that the application site is set at a higher level when compared to the public highway. However, given the existing extensive soft boundary treatments to the northern boundary of the site and taking into account the fact that the dwellings would be set back approximately 33m from the public highway, the proposed dwellings were considered to be of an appropriate design and

would relate appropriately when viewed against existing development within the immediate area. The proposed garaging is also considered to be of an appropriate design and scale.

- 6.15 The current proposal matches the previous application in quantum, layout, design and external appearance. The conclusions of the previous application are therefore a material consideration of significant weight in the assessment of the current proposal. Furthermore, there has been no change in the planning policy context since this previous application. On this basis, the proposed development is considered to accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

### **Impact on Landscape and Trees**

- 6.16 Policy 33 of the HDPF states that development should presume in favour of the retention of existing important landscape and natural features, for example trees, hedges, banks and watercourses. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur through the development. Policy 31 of the HDPF states that development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure. Proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.
- 6.17 Policy RYS5 of the Ruser Neighbourhood Plan states that proposals that protect, manage, and enhance the rich natural features will be supported. Development proposals must ensure that the landscape schemes, layouts, access, and public open space provision contribute to the connectivity and maintenance of the Green Infrastructure Network where applicable.
- 6.18 The application site benefits from a row of mature trees and vegetation along the southern boundary of the site, adjacent to the public highway. The proposal seeks to retain this vegetation, albeit that a dead Ash tree and a mature Ash tree will be removed to facilitate access into the site. A shared driveway and visitor parking would be positioned to the north of this tree line, with a new footpath created between this driveway and the public highway.
- 6.19 The Applicant has submitted an Arboricultural Impact Assessment and Method Statement by Arbortrack Systems Ltd dated 07.06.2023. It is outlined that the driveway would be constructed using a 'no-dig' specification due to the encroachment upon the Root Protection Areas, where it is considered that the impact on the trees would be low and acceptable. The impact of the footpath on the Root Protection Area is also considered to be low and acceptable. The Arboricultural Impact Assessment and Method Statement outlines that the retained trees would be protected through the course of the development by fencing, in accordance with the recommendations of BS5837:2012. The Method Statement outlines the protection works and the measures to protect trees during the course of construction.
- 6.20 It is noted that the HDC Arboricultural Officer has raised an objection to the proposed development on the basis that building and engineering operations would be carried out in proximity to the trees, with the proposal likely to be detrimental to the health and longer-term retention of these trees.
- 6.21 It is however noted that the site layout and arrangement of the driveway, visitor parking, and refuse/recycling store reflect that previously proposed under planning reference DC/19/2203. No concerns were raised with regard to the impact on trees and landscape character as part of this previous application, with no material change in planning policy or the spatial context. It is not therefore considered reasonable to introduce a reason for refusal on the grounds of impact on trees. It is however considered that conditions could be imposed to require tree protection measures during construction and the use of no-dig construction methods which would aid the protection of the retained trees. Subject to such conditions, it is considered



impacts would be minimised such that on balance, the proposed development would not result in sufficient adverse harm to justify a reason for refusal.

### **Amenity Impacts**

- 6.22 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.23 Matters of amenity impact were considered under the previous application under reference DC/20/2454. At this time, it was considered that given the relationship of the proposed dwellings with neighbouring properties, and the distances maintained, the proposals would not have a detrimental on the amenities of neighbouring properties.
- 6.24 No changes have been made to the proposal, with the development as proposed matching the previous application in quantum, layout, and orientation. The conclusions of the previous application are therefore a material consideration of significant weight in the assessment of the current proposal. Furthermore, there has been no change in the planning policy context since this previous application. On this basis, the proposed development is considered to be in accordance with Policies 32 and 33 of the HDPF (2015)

### **Highways Impacts**

- 6.25 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.26 Matters of highways impact were considered under previous planning reference DC/20/2454. It was recognised that there were no transport grounds to resist the proposal, albeit that clarification regarding the visibility splays would be necessary. It was however noted that the application site is located within a rural location outside of any built-up area boundaries. Due to the location, the proposals present limited opportunities to promote walking, cycling or public transport in relation to the access of major services, contrary to the transport policies of the NPPF and HDPF. As such, any future occupants of the dwelling would be heavily reliant on the private car for transportation to and from the site. It is therefore considered that the site is an unsustainable location for new housing provision and would not be acceptable in this regard.
- 6.27 No changes have been made to the proposal, with the development as proposed matching the previous application in quantum, layout, and access arrangement. The conclusions of the previous application are therefore a material consideration of significant weight in the assessment of the current proposal. Furthermore, there has been no change in the planning policy context since this previous application. The concerns as previously raised therefore remain.

### **Ecology**

- 6.28 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.29 The application site comprises paddock land to the east of the built-up area of Rusper, with the northern boundary of the site comprising mature trees. Enclosed fields and mature tree belts are located to the south, north and east of the site, with several ponds located within 250m of the site to the north.

- 6.30 The Applicant has submitted a Preliminary Ecological Appraisal and Preliminary Roost Assessment by The Ecology Partnership dated June 2023. The Appraisal outlines that the dominant habitat on the site is neutral grassland, which is considered to be of some value, but only of site value. The mature trees are of intrinsic value and the tree line is considered likely to be used by a number of species. It is recognised that this feature is to be largely maintained and protected during the redevelopment of the site. Some of the older trees on the site were identified as having low and medium potential for roosting bats, dormice, and nesting birds, with the tree lines themselves offering some potential for foraging and commuting habitat. It is therefore recommended that these are retained, enhanced and buffered from lighting. The site is not considered to be constrained by other protected species, including Great Crested Newts and reptiles. Mitigation and enhancement measures have been proposed, including additional hedgerows, bird and bat boxes, bee bricks., log piles, and hedgehog friendly fencing.
- 6.31 The Applicant submitted an Ecological Technical Note dated 09 August 2023 in response to bat surveys carried out at the Ash Tree scheduled for removal. The surveys did not identify bats roosting within the hole of the Ash Tree, but bats were recorded using the tree line for foraging and commuting. The Technical Note thereby recommends that sensitive working measures are employed as a precautionary approach to works. It is outlined that the hole should be resurveyed prior to felling to check for nesting birds/squirrels/roosting bats. Avoidance measures should be employed as part of the felling process, with the log piles from felling maintained on site and stacked for enhancement purposes. It is also recommended that bat boxes are hung from the retained mature trees.
- 6.32 Following consultation with the Council's Ecologist, the information submitted is considered sufficient, with the information demonstrating that the Ash tree with moderate roost potential does not contain roosting bats following surveys in line with standard methodology. This provides certainty of the likely impacts on protected and Priority species and it is considered that with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023) are considered acceptable and could be secured by a condition. In addition, a condition relating to a wildlife friendly lighting strategy is recommended. The bespoke biodiversity enhancement measures which have been recommended to secure net gains for biodiversity can also be secured by condition.

### **Water Neutrality**

- 6.33 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.34 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.35 The proposed development seeks an alternative development from the extant permissions on the site, which comprise the erection of 6no. flats and 2no. dwellings. Evidence (including discharge of condition notices) has been provided to demonstrate that all Pre-Commencement and Pre-Occupation conditions having been discharged under application references DISC/16/0023 and DISC/16/0024. The Applicant has confirmed their intention to

continue the approved 6no. flat scheme, and this evidence is considered to demonstrate a reasonable fallback position.

- 6.36 The water demand of the extant permission equates to a total consumption of 2154l/d. There were no conditions limiting water consumption on the extant permissions, with the anticipated water demand of 125l/p/d assumed (based on the Part G Building Regulations document). The water consumption of the proposed development would amount to a total of 2760l/d.
- 6.37 It is proposed to off-set this additional demand through retrofitting an existing building within Horsham Town Centre. The occupancy of the building has been based on the OFFPAT figure of 12m<sup>2</sup>/person. The retrofit measures would be carried out on all 4 floors, where the building comprises office space of 760.68sqm (190.17sqm per floor). Based on these figures, the office accommodates a total of 60 employees, with a total occupancy of 15 people per floor. Water consumption measures for the office has been calculated using the BREEAM WAT 01 standard calculator. Based on this calculator, the existing building consumes 17.83l/p/d, with a total water consumption of 1069.8l/d.
- 6.38 The Applicant has provided metered water bills over the last three years (Jul-Nov 2019, Nov 2019-Jan 2020, Jan-Apr 2020, Apr-Jul 2020, Jul-Oct 2020, Oct 2020-Jan 2021, Jan-Apr 2021, Apr-Jul 2021, Jul-Oct 2021, Oct 2021-Jan 2022, Jan-May 2022, May-Jul 2022). These water bills indicate an average consumption of approximately 1900l/d. This is greater than the figures resulting from the BREEAM WAT 01 standard calculator. As such, the figures provided in the calculator are considered a conservative measure.
- 6.39 The proposed strategy would remove the 8no. existing taps in the office w.c's and replace these with 8no. low-flow taps. The taps would be Hansgrohe Tails E80 low flow mixer taps which provide a flow rate of 5 litres/minute. Following the installation of these figures, it is calculated that the water consumption of the building would reduce to 4.97l/p/d, with a total consumption of 298.2l/d. The water saving per day would therefore reduce by 771.6l/d, which would exceed the water demand of the proposed development.
- 6.40 The Council have undertaken an Appropriate Assessment, where it is considered that with the proposed mitigation and off-setting measures, the development would not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. Natural England have been consulted on the application and have concurred with the conclusions reached.
- 6.41 Subject to the mitigation and off-setting measures proposed, which would be secured by condition and legal agreement respectively, it is not considered that the development 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.
- 6.42 In addition to securing the offsetting measures through the s106 Agreement, the Legal Agreement would also restrict the implementation of the planning permissions so that only the extant permissions or the current proposals could be carried out, and not both. This would provide the necessary certainty that the approved developments as a whole would result in no greater water consumption than the extant permissions.

### **Climate Change**

- 6.43 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These

policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

- 6.44 Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Requirement to provide full fibre broadband site connectivity
  - Dedicated refuse and recycling storage capacity
  - Cycle parking facilities
  - Electric vehicle charging points
- 6.45 Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

### **Planning Balance and Conclusion**

- 6.46 The application seeks full planning permission for the erection of 6no. dwelling on a site located outside but adjacent to the built-up area of Rusper. The site is located within a countryside location in policy terms, where the principle of residential development is more greatly restricted. The proposed development would be contrary to the overarching spatial
- 6.47 The application site has been subject of previous planning refusals for similar development as proposed. The most recent application under reference DC/20/2454 was refused, where it was noted that while the site is located in close proximity to the built-up area of Rusper, the site is considered to be rural in nature with only sporadic development within the vicinity of the site, and particularly to the east. The site is readily distinguished from the grain of residential development to the west of the application site and positively contributes to the transition from the built-up area of Rusper to its rural surroundings. The site retains an undeveloped rural character and contributes to local landscape character. It was not therefore considered that the proposal to introduce 6no dwellings with associated garaging, hardstanding areas and expected domestic paraphernalia would maintain and enhance the landscape and townscape character features as required by criterion 4 of HDPF. It was noted that there is a bus stop along East Street to the west, however the services are infrequent. It was therefore considered that future occupiers of the proposed dwelling would likely be highly dependent on the use of private vehicles in order to access services and facilities, and it was considered that the scheme would be contrary to the overarching strategy and hierarchical approach of concentrating development within the main settlements as set out in the HDPF.
- 6.48 The proposal was not considered to be essential to its countryside location and consequently represented an inappropriate, unsustainable and unacceptable form of development in this location. It was acknowledged that the proposal included 1no. retirement dwelling, which would support an identified need for retirement/smaller dwellings, but given that the proposal would form part of the larger housing site, it was considered that the need would not outweigh the conflict with the overall aims of the HDPF. It was thereby concluded that the proposed development would be contrary to the overarching strategy and hierarchy approach of concentrating development within the main settlements of the District. Furthermore, the proposed development was not essential to its countryside location.
- 6.49 Consequently, the proposal for 6no new dwellings on the site represents unsustainable development contrary to policies 1, 3, 4 and 26 of the Horsham District Planning Framework (2015) and the National Planning Policy Framework (2019). There have been no changes to the planning policy context since this previous decision, and the conclusions of the aforementioned planning refusal are considered to be a material consideration of significant weight.

- 6.50 It is however recognised that circumstances have changed since this application was refused. The Council can no longer demonstrate a 5-year housing land supply, where the tilted balance under paragraph 11 of the NPPF applies. The application has demonstrated that the development would be water neutral, and the presumption in favour of sustainable development is therefore considered to apply and be of significant weight in the planning balance.
- 6.51 The application site was submitted as part of the Strategic Housing and Economic Land Assessment under reference SA465. This identifies that the site is in easy walking distance of local facilities, and there is limited bus service providing some connectivity to Horsham Town Centre and larger amenities, but this service only operates on Mondays and Thursdays. It is recognised that the site is relatively unconstrained and does not lie within or near a protected landscape. It is therefore considered that the site could come forward in conjunction with the permitted planning permission on the adjoining site (approved under planning reference DC/14/1936 for 6no. dwellings).
- 6.52 Consequently the application site has been allocated for the provision of 6 dwellings under Strategic Policy HA17 of the draft Local Plan. This policy recognises that Rusper village is a focal point of the Parish, with some local facilities and services. Subsequently, Rusper is identified in the settlement hierarchy as a 'Smaller Village; and is considered suitable for some modest growth in sustainable locations. While recognised that the Local Plan has not yet been formally adopted, it does give an indication of policy moving forward. The draft policy is however considered to be of limited weight at this stage.
- 6.53 As identified within the Strategic Housing and Economic Land Assessment, the site is within easy walking distance of local facilities, with a limited bus service to Horsham Town Centre and other larger amenities. The application site is therefore considered to be in a relatively sustainable location. This is considered to be of weight in the planning balance.
- 6.54 It is recognised that the site has been allocated for development within the draft Local Plan. While recognised that the Plan has yet to be examined and formally adopted, and therefore of limited weight, it does provide a guide to the spatial strategy going forward. This allocation recognises that the site is located within walking distance of local facilities, with access to public transport modes. Therefore, while the site would remain outside (but adjacent to) the settlement boundary, the site is considered to be within a generally sustainable location.
- 6.55 Paragraph 49 of the NPPF states that in the context of the Framework, and in particular the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 6.56 The proposed development would provide 6no. residential dwelling, outside but adjacent to, the built-up area of Rusper. It is recognised that the Council cannot currently demonstrate a 5-year supply of homes, where the development would make a moderate contribution to the supply. These are considered to material considerations that weigh in favour of the development proposal.
- 6.57 The proposal has identified an achievable water strategy, where it has been concluded that subject to on-site mitigation and off-setting, the development would be water neutral.
- 6.58 Considering the application as a whole, in the context of the Paragraph 11d 'tilted balance' and given the particular circumstances specific to this site, it is not considered that the harm afforded by the conflict with Policies 2, 4, 26 of the HDPF would significantly and

demonstrably outweigh the benefits arising from the development. It is therefore recommended that planning permission be granted.

## 7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions:

1 **Approved Plans**

2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

- i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
- ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) 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).

5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023) has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;

- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

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

- 6 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (revision H by Watt Energy & Consulting Engineers dated 22 April 2022 and received 13.06.2022). No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by 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 hard surfacing materials and finishes
- 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 first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until the parking, turning and access facilities necessary to serve that dwelling have been implemented in accordance with the approved details as shown on plan 1809/01 rev E and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that dwelling (or use) in accordance with drawing number 1809/01 rev E. These facilities shall thereafter be retained for use at all times.

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

- 11 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 1809/01 rev E. The cycle parking facilities shall thereafter be retained as such for their designated use.

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

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

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

- 13 **Regulatory Condition:** The development hereby approved shall be carried out in strict accordance with the drainage strategy as shown on plan reference 1809/01 rev E.



Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Preliminary Ecological Appraisal and Preliminary Roost Assessments (The Ecology Partnership, June 2023) and the Ecological Technical Note (The Ecology Partnership, August 2023).

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

- 15 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment and Method Statement (ref: jwmb/rpt2/thepaddock/AIAAMS).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/20/2454  
DC/20/2454  
DC/19/2203  
DC/14/1936  
DC/14/0413

This page is intentionally left blank

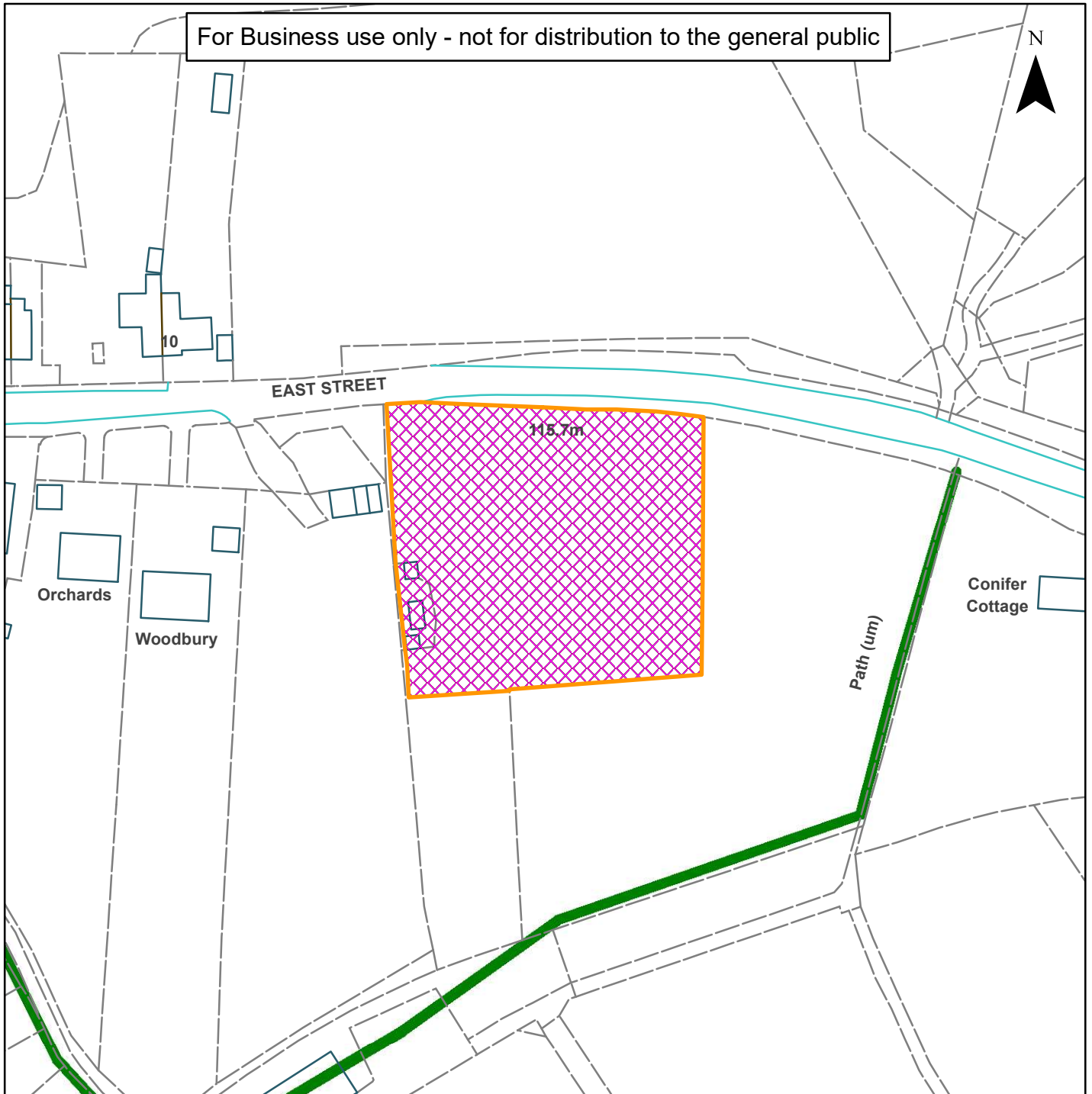
# 07) DC/21/2172



## Horsham District Council

Land South of East Street, Rusper West Sussex

For Business use only - not for distribution to the general public



**Scale:** 1:1,250

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/09/2023
OSA Number	100023865

This page is intentionally left blank



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

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

**DATE:** 03 October 2023

**DEVELOPMENT:** Variation of Condition 3 of previously approved application DC/18/1921 (Variation of Condition 3 of previously approved application DC/17/0445 (Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking) Relating to changes to opening times.

**SITE:** Morriswood, Old Holbrook, Horsham, West Sussex, RH12 4TW

**WARD:** Colgate and Rusper

**APPLICATION:** DC/23/0354

**APPLICANT:** **Name:** Mr Antony Hogben **Address:** Morriswood Old Holbrook Horsham West Sussex RH12 4TW

**REASON FOR INCLUSION ON THE AGENDA:** The Applicant is a Councillor

**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 vary condition 3 of planning approval reference DC/18/1921 to extend the opening hours of the swimming pool during the week. It is also proposed to allow opening of the swimming pool on Bank Holidays.

1.3 Condition 3 of planning approval reference DC/18/1921 currently states:

*“The use of the swimming pool for commercial purposes shall only take place between the hours of 08:00 to 19:00 on Monday to Friday; 08:00 to 18:00 on Saturday; 09:00 and 18:00 on Sunday; and not at any time on Bank or Public Holidays.*

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

1.4 The current application seeks to extend the approved opening hours to 07:00 to 21:00 Monday to Sunday, including Bank Holidays.

## DESCRIPTION OF THE SITE

- 1.5 The site forms part of the residential property known as Morriswood, which is situated on the western side of Old Holbrook Road. It sits amongst sporadic development north of the A264 and the nearby settlement of Horsham.
- 1.6 The site comprises a two storey dwelling (including an attached single storey swimming pool building) together with various single storey outbuildings and a tennis court. The swimming pool building, which is the subject of this application, is L-shaped in plan-view and adjoins the southern and western elevations of the dwelling. A portion of the building provides a swimming pool together with associated changing rooms. In terms of adjoining land uses, the site is bounded on all sides by undeveloped land which appears to be in agricultural use.
- 1.7 The site has a single existing vehicular access from Old Holbrook Road, which serves as a principal route between Horsham and smaller settlements to the north. The site lies approximately 1km north of the A264.

## 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:

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

#### **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 4 - Strategic Policy: Settlement Expansion  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 10 - Rural Economic Development  
Policy 11 - Tourism and Cultural Facilities  
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character  
Policy 26 - Strategic Policy: Countryside Protection  
Policy 32 - Strategic Policy: The Quality of New Development  
Policy 33 - Development Principles  
Policy 40 - Sustainable Transport  
Policy 41 - Parking  
Policy 42 - Strategic Policy: Inclusive Communities  
Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 North Horsham Parish is not a designated Neighbourhood Plan Area.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/0445	Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking	Application Permitted on 11.05.2017
------------	---	-------------------------------------

DC/18/1921      Variation of Condition 3 of previously approved application DC/17/0445 (Use of an existing swimming pool and changing rooms for a mixture of private and commercial purposes and use of associated land for ancillary parking) Relating to changes to opening times.      Application Permitted on 09.11.2018

### **3. OUTCOME OF CONSULTATIONS**

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

3.2 **HDC Arboricultural Officer:** No tree related concerns

3.3 **HDC Environmental Health:** No complaints received regarding this property and no adverse comments to make.

#### OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection

#### PUBLIC CONSULTATIONS

3.5 **North Horsham Parish Council (Initial Response):** No Objection

3.6 **North Horsham Parish Council (Subsequent Response dated 09.08.2023):** No further comments

3.7 **North Horsham Parish Council (Subsequent Response dated 25.08.2023):** No Objection

3.8 **Natural England:** No Objection subject to the delivery, management, and maintenance of measures identified in the Water Neutrality Statement.

#### Representations

3.9 1 letter of support was received, and this can be summarised as follows:

- The additional hours are needed

3.10 1 letter of objection was received, and this can be summarised as follows:

- There have been discharges of chlorinated water into a ditch causing flooding on nearby land and potentially impacting on the ecology of the watercourse

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

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

## **6. PLANNING ASSESSMENTS**

- 6.1 The application seek to vary condition 3 of planning approval DC/18/1921 to extend the opening hours of the swimming pool during the week, and to allow for opening on Bank Holidays.

### **Principle of Development**

- 6.2 Previous planning approval DC/17/0445 established the principle of the use of the existing swimming pool and changing rooms for a mixed private and commercial purpose. Under this application it was considered that the proposal would meet a potential need of young people in the local community, therefore helping to create a socially inclusive and adaptable environment. This planning approval was subject to conditions, including restriction on opening hours to 09:30 to 19:00 on Monday to Friday; 08:30 to 16:30 on Saturday; and not at any time on Sundays or on Bank or Public Holidays.
- 6.3 A subsequent application under planning reference DC/18/1921 sought to extend the opening hours to 08:00 to 19:00 on Monday to Friday; 08:00 to 18:00 on Saturday; 09:00 and 18:00 on Sunday; and not at any time on Bank or Public Holidays. The supporting information outlined that there is a high demand for private swim lessons within the District, resulting in an extended customer wait list. The extended opening hours sought to facilitate a greater number of lessons in order to accommodate this demand, and it was considered that such hours would not result in harm to the amenities of neighbouring occupiers or the function and safety of the public highway network.
- 6.4 The current proposal seeks to extend these opening hours further in order to accommodate early morning and evening classes in addition to classes on Bank Holidays, with new daily operating hours of 07:00 to 21:00. It is outlined within the Cover Letter that this is due to the continued demand for swimming lessons locally and the number of customers currently on the waiting list. It is outlined that opening on Bank Holidays would accommodate families who work shifts or those with shift pattern changes, as well as working parents more generally, creating more flexibility in meeting these needs.
- 6.5 The principle of the use has been established by the previous application, with the alterations to the opening hours considered to support and address the demand for swimming lessons locally. The proposal is therefore considered acceptable in principle, subject to all other material considerations.

### **Impact on Highways**

- 6.6 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.



- 6.7 The application seeks to extend the opening hours of the swimming pool facility to allow for a greater number of classes throughout the day. It is understood from the previous submission that a maximum of 12 clients are seen per hour, resulting in associated vehicle movements of approximately 12 an hour. In addition to this, the teachers generally work a 4-5 hour shift, arriving 30 minutes prior to the first class to set up, and remaining 30 minutes after their last class to clean up. This results in minimal additional vehicular movements.
- 6.8 It has been previously established that the existing access to the site is satisfactory, with good visibility obtainable in both directions. It was thereby considered that the increase in vehicular movements to the site would not therefore be expected to create a highway safety hazard.
- 6.9 It is acknowledged that the proposed extension to the opening hours would result in additional trips and vehicular movements to and from the site. However, given the limited capacity of the swimming pool, these additional trips would not occur at the same time as existing trips and would not intensify the use of the swimming pool during existing hours of operation. Rather the additional low number of trips would take place only during the additional opening hours.
- 6.10 On this basis it is not considered that the proposed extended opening hours would intensify the use of the site such that it would result in a severe cumulative impact on the function of the highway network or highway safety concerns, in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

### **Amenity Impacts**

- 6.11 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.12 The mixed commercial and private use of the swimming pool, and the resulting impact on the amenities of the neighbouring properties was considered under the original approval, ref: DC/17/0445. It was concluded at this stage that the pool building and parking area were a sufficient distance from the neighbouring properties (some 135m from the nearest neighbouring boundary) so that the use would not adversely affect the living conditions of the nearby residential properties. There have been no material changes to the spatial context following this planning approval.
- 6.13 The Council's Environmental Health Team has considered extended openings hours under the previous variation of condition application, where no objection was raised in regard to noise or disturbance. The additional opening hours proposed by this current application have similarly been considered, and no concerns or objections have been identified.
- 6.14 It is therefore considered that the proposed additional hours of use of the swimming pool would not result in unacceptable harm to the living conditions of surrounding occupiers, in accordance with Policy 33 of the HDPF.

### **Water Neutrality**

- 6.15 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

- 6.16 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.17 The Applicant has submitted a Water Neutrality Statement which outlines the water demand arising from the extended opening hours of the commercial pool. The application seeks to increase the opening hours of the commercial swimming pool to 07:00 to 21:00 Monday to Sunday. The supporting information outlines the maximum number of participants in each session of the day, and it is calculated that the total amount to 218 participants per day. It is assumed that each participant would take a shower before and after using the pool, where a 2-minute shower is assumed.
- 6.18 The Water Neutrality Statement outlines that the existing showers would be replaced with more efficient fixtures, where it is outlined that the flow rate would be 6 litres per minute. It is therefore calculated that a 2-minute shower would consume 12 litres per person. Based upon this calculation, the water demand arising from the total number of participants would be 5,232 litres per day. The Statement outlines that 20 litres of water per participant is needed to top-up and clean the pool each day. Based upon 218 participants per day, the cleaning maintenance demand of the pool would be 4,360 litres per day. The total water demand from the existing use of the site therefore amounts to 9,592 litres per day.
- 6.19 The Water Neutrality Statement outlines that the existing pool benefits from 3no. showers, where it has been assumed that these showers are used by every swimmer before and after using the pool. An assumption of a 2 minute shower has been used. The lawful hours of operation are between 09:30 and 19:00 Monday to Friday and 08:30 to 16:30 on Saturdays. The Applicant has provided an overview of the maximum number of participants in each session of the day, and it is calculated that the total number amounts to 150 participants per day. The existing showers have been surveyed, where it has been demonstrated that the flow rate of the showers is 12 litres per minute. Assuming a 2-minute shower, it is calculated that the existing showers create a demand of 24 litres per person. Based upon this calculation, the water demand from the existing lawful use is 7,200 litres per day. The Statement outlines that 20 litres of water per participant is needed to top-up and clean the pool each day. Based upon 150 participants per day, the cleaning/maintenance demand of the pool totals 3,000 litres per day. The total water demand from the existing use of the site therefore amounts to 10,200 litres per day. This represents the existing baseline of lawful commercial use of the swimming pool.
- 6.20 The Water Neutrality Statement outlines that the 3no. existing showers would be replaced with more efficient showers (reducing the flow rate from 12 litres per minute to 6 litres per minute). The mitigation measure proposed would reduce the water consumption of the commercial premises and has been demonstrated to address the water demand. Subject to the water strategy as proposed within the Water Neutrality Statement, along with conditions, the development is considered to be water neutral. An Appropriate Assessment has been undertaken and Natural England have been consulted, where it has been confirmed that no objections are raised to the proposal, subject to the water strategy being secured by condition.
- 6.21 Subject to the mitigation measure contained within the strategy, the proposal would have no adverse effect on the integrity of the Arun Valley SAC/SPCA/Ramsar site, 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.

## Other Matters

- 6.22 It is noted that an objection has been received raising concerns regarding the discharge of chlorinated water and the resulting impact on flooding. This has been raised with the Council's Environmental Health Team. The extension to the opening hours is not considered to result in a greater risk of flooding over the existing situation and it is not anticipated that this would result in adverse harm in this regard.

## Conclusion

- 6.23 The extended opening hours as proposed are considered to be acceptable in principle, and are not considered to result in harm to the amenities of neighbouring occupiers or the function and safety of the public highway network, in accordance with development plan policies.

## 7. RECOMMENDATIONS

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

### Conditions:

1 **Approved Plans**

- 2 **Regulatory Condition:** Within 1 month of the date of the permission hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority that the approved water neutrality strategy for the development has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

- 3 **Regulatory Condition:** The car parking spaces as indicated on approved layout plan submitted 05.04.2017 shall be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** The use of the swimming pool for commercial purposes shall only take place between the hours of 07:00 to 21:00 daily.

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

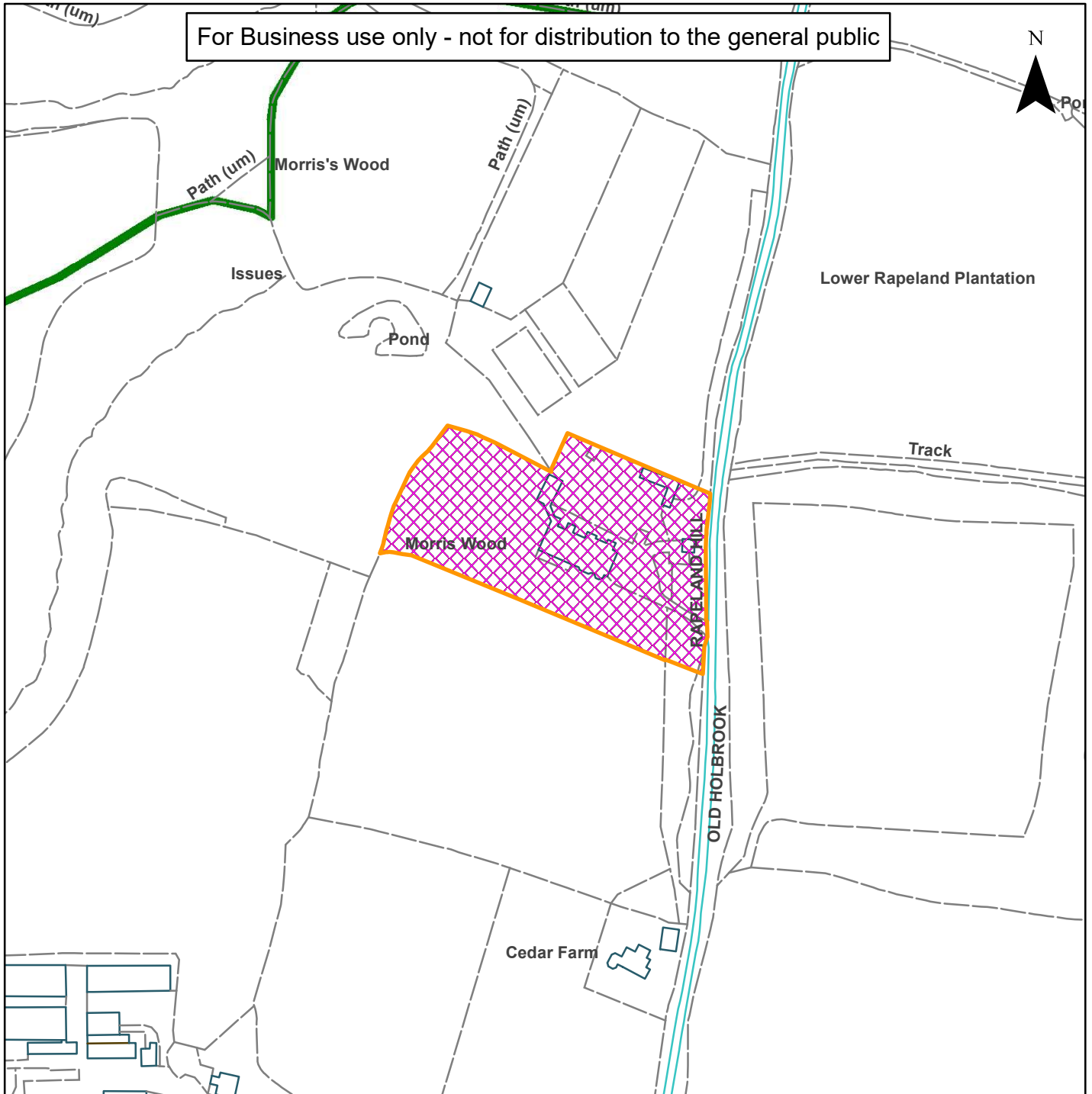
Background Papers: DC/23/0354  
DC/18/1921  
DC/17/0445

This page is intentionally left blank



Morriswood, Old Holbrook, Horsham, West Sussex, RH12 4TW

For Business use only - not for distribution to the general public



Scale: 1:2,500

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/09/2023
SA Number	100023865

This page is intentionally left blank



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

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

**DATE:** 03.10.2023

**DEVELOPMENT:** Demolition of existing single storey rear extension and erection of a single storey rear extension and associated alterations.

**SITE:** 79 Trafalgar Road Horsham West Sussex RH12 2QJ

**WARD:** Trafalgar

**APPLICATION:** DC/23/1358

**APPLICANT:** **Name:** Mr Nick Jenkins **Address:** 79 Trafalgar Road Horsham West Sussex RH12 2QJ

**REASON FOR INCLUSION ON THE AGENDA:** The applicant is an employee of the Council, a District Councillor or a member of their immediate family.

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

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application is for the demolition of an existing single storey rear extension and the erection of a single storey rear extension with associated alterations. The extension would take the form of an L-shape and would incorporate a pitched roof with an eaves' height of approximately 2.76m.

#### DESCRIPTION OF THE SITE

- 1.2 79 Trafalgar Road is a semi-detached dwelling, located within the built-up area of Horsham. The site benefits from one off-street parking space.

### **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 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

### Horsham Blueprint Business Neighbourhood Plan (2019-2031):

Policy HB3: Character of Development

Policy HB4: Design of Development

## PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/14/94

Erection of a dormer window

Site: 79 Trafalgar Rd Horsham

Application Permitted on  
24.03.1994

## 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

### Parish Comments:

None received.

### Representations:

None received.

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

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

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

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

## 6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:
- The visual amenities of the area
  - The amenities of the occupiers of adjacent properties



- Water Neutrality

### **Character and appearance**

- 6.2 Policies 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.
- 6.3 Policy HB3, Character of Development, of the Horsham Blueprint Business Neighbourhood Plan states that, *“the design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area”*.
- 6.4 79 Trafalgar Road is a semi-detached dwelling on Trafalgar Road, within the built-up area of Horsham. Planning permission is sought to demolish the existing single storey rear extension and erect a single-storey side and rear extension with associated alterations. The extension would take the form of an L-shape and proposes a pitched roof with an eaves' height of approximately 2.76m. While it is acknowledged that this is a larger addition than the existing, the design and layout of the extension would be clearly subservient to the host dwelling and would be in keeping with the existing dwellinghouse. The materials would match the existing with a first-floor window to be removed and blocked up with bricks that match those on the existing dwelling.
- 6.5 The proposal is therefore considered to be of a design, form and scale which is appropriate to the character and appearance of the existing dwelling, and which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal is acceptable and would accord with Policies 32 and 33 of the HDPF (2015).

### **Impact on Amenity**

- 6.6 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.
- 6.7 The siting and scale of the extension, and retained separation from shared boundaries, would be sufficient to prevent any unacceptable harm to neighbouring amenity in accordance with the above policy. It is noted that no representation letters have been received.

### **Water Neutrality**

- 6.8 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**

6.9 The proposal is considered to be in accordance with relevant local and national planning policies.

## 7. RECOMMENDATIONS

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

1 **List of the 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 to be used in the development hereby permitted shall strictly accord with those indicated on the application form.

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).

Background Papers: DC/23/1358

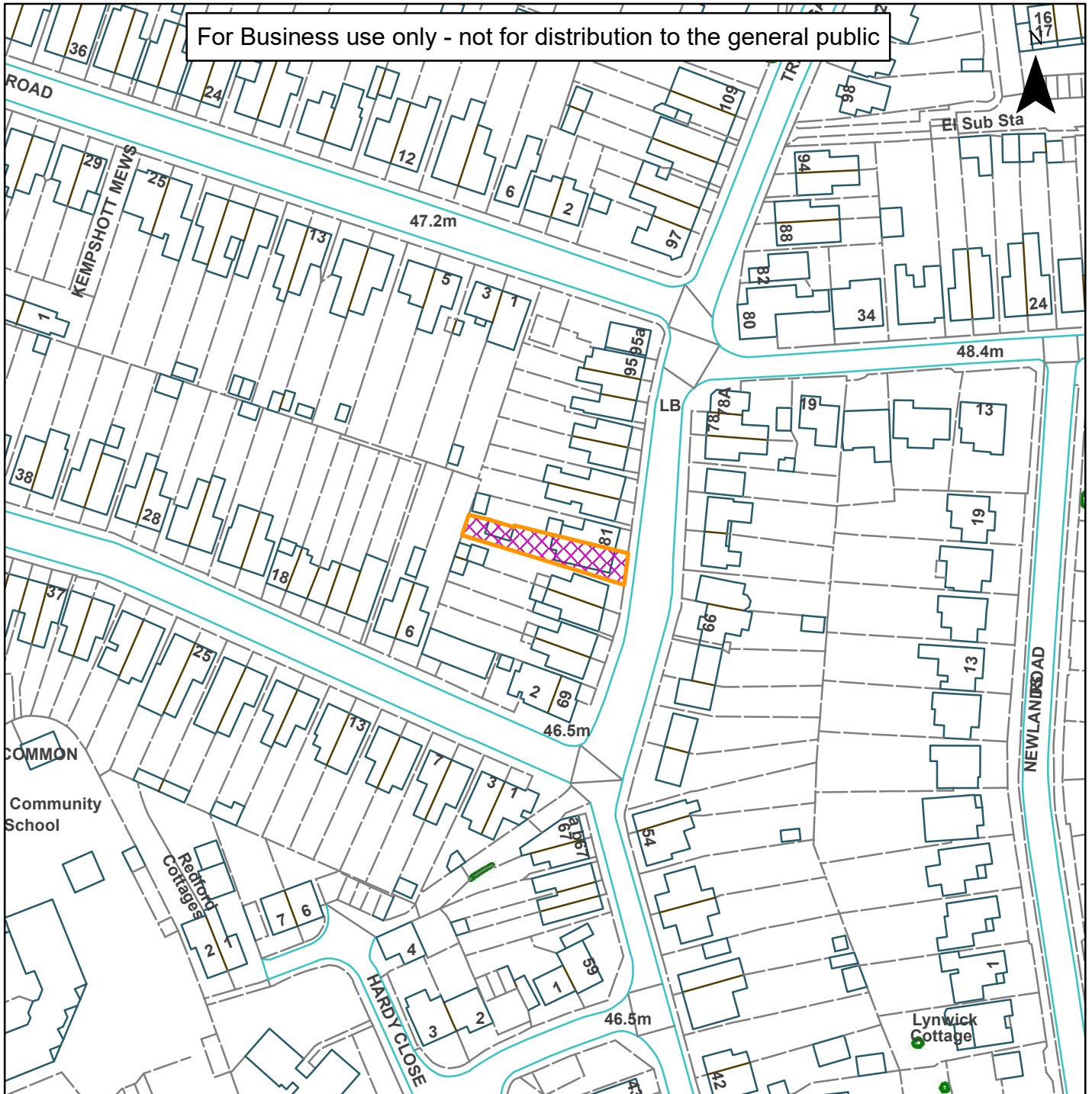
# 09) DC/23/1358



**Horsham  
District  
Council**

79 Trafalgar Road, Horsham, West Sussex, RH12 2QJ

For Business use only - not for distribution to the general public



**Scale:** 1:1,250

Reproduced by permission of Ordnance Survey map on behalf of HMSO. © Crown copyright and database rights (2019). Ordnance Survey Licence.100023865

Organisation	Horsham District Council
Department	
Comments	
Date	21/09/2023
MSA Number	100023865

This page is intentionally left blank