



TO: Planning Committee (North)

BY: Head of Development and Building Control

DATE: 07 December 2021

DEVELOPMENT: Installation of replacement street sports facility.

SITE: Southwater Skate Park Stakers Lane Southwater West Sussex

WARD: Southwater South and Shipley

APPLICATION: DC/21/0845

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

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks to re-build the 'street sports facility' or 'skate park facility' that was removed after the previous facility (permitted in 2006) burnt down in 2020.

1.3 The proposed facility is in the same cleared and hard surfaced location as previously permitted (known as Ben's Field) and of similar construction to the one that it replaces except that the frame is steel, rather than timber.

1.4 The built structure of the new skate park facility would measure 20 metres in length and be 13.8 metres wide and consist of various ramps, 'pipes', wall-rides, jump boxes, sub boxes and decks, all similar to the original facility. The highest point of the structure would be 3.5 metres high to the middle section of the ramps at one end with 1.7 to 2.3m high flat decks.

DESCRIPTION OF THE SITE

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

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

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

- 2.2 RELEVANT NEIGHBOURHOOD PLAN

Southwater Neighbourhood Plan

SNP6: Local Community Space

SNP16: Design

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.3 DC/05/2308

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

Approved - 27-01-2006

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:**

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

OUTSIDE AGENCIES

3.3 **Natural England:** Objection:-

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

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

PUBLIC CONSULTATIONS

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

PARISH COUNCIL CONSULTATION

- 3.5 None Received

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

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

Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application.

Consideration of Human Rights and Equalities forms part of the planning assessment below.

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

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

6. **PLANNING ASSESSMENTS**

Principle of Development

- 6.1 Policy 43 of the HDPF relates to 'Community Facilities, Leisure and Recreation'. It states that 'The provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities'.

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

Design and Appearance

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

Amenity Impacts on Neighbours

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

Noise Attenuation Measures

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

Site and Noise Management Plan

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

Water Neutrality

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

Conclusions

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

7. RECOMMENDATIONS

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

Conditions:

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

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

- 3 **Pre-Commencement Condition:** No development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for ramps, railings and surfaces has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

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

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

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

- 5 **Pre- Occupation Condition:** Prior to any use of the development hereby permitted a Site and Noise Management Plan must be submitted to and approved in writing by the Local Planning Authority. This should include but not be limited to the follow:
- Management responsibilities during all operating hours
 - Measures to control noise and disturbance
 - The possible creation of a 'Management Team' for the Skate Park
 - A timetable for regular safety inspections of the site
 - Details of signage for the skate park that set out rules for the use of the skate park
 - Potential for the installation of CCTV and security lighting

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

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

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

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

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

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

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

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