



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 6th September 2022

DEVELOPMENT: Installation of replacement street sports facility.

SITE: Southwater Skate Park Stakers Lane Southwater West Sussex

WARD: Southwater South and Shipley

APPLICATION: DC/21/0845

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

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

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks to re-build the 'street sports facility' or 'skate park facility' that was removed after the previous facility (permitted in 2006) burnt down in 2020.
- 1.3 The proposed facility is in the same cleared and hard surfaced location as previously permitted (known as Ben's Field) and of similar construction to the one that it replaces except that the frame is steel, rather than timber.
- 1.4 The built structure of the new skate park facility would measure 20 metres in length and be 13.8 metres wide and consist of various ramps, 'pipes', wall-rides, jump boxes, sub boxes and decks, all similar to the original facility. The highest point of the structure would be 3.5 metres high to the middle section of the ramps at one end with 1.7 to 2.3m high flat decks.
- 1.5 This application was previously due to be heard by this Committee in December 2021. The applicants (Southwater Parish Council) decided to withdraw this from the agenda in order to consider the proposed Noise Attenuation condition further. Since then, this has been the subject of ongoing discussions and further details of the proposed materials and their noise impact has been provided in consultation with the Council's Environmental Health team.

DESCRIPTION OF THE SITE

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

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

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 24 - Strategic Policy: Environmental Protection

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

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

- 2.2 RELEVANT NEIGHBOURHOOD PLAN

Southwater Neighbourhood Plan

SNP6: Local Community Space

SNP16: Design

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.3 DC/05/2308: Change of use of land from agricultural grazing land to country park incorporating overflow car parking for country park for up to 100 days per year and establishment of a street sports facility (Bens Field). Approved 27-01-2006.

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:**

The Councils' Environmental Health Officer requested further information in relation to the materials to be used at the skate park and what measures would be taken to control impact and reverberant noise from the ramps.

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

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

Community Crime Prevention: No response received

OUTSIDE AGENCIES

3.3 **Natural England (standing advice):** Objection:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC CONSULTATIONS

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

PARISH COUNCIL CONSULTATION

- 3.5 Parish Council are the applicant

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

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

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

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

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

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

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 Policy 43 of the HDPF relates to 'Community Facilities, Leisure and Recreation'. It states that 'The provision of new or improved community facilities or services will be supported, particularly where they meet the identified needs of local communities'.
- 6.2 The principle of development of a skate park/ street sports facility on this site was established through the granting of planning permission, ref DC/05/2308. The skate park was in place from 2006 to 2020 when it burned down. The site has since been cleared. This application approved a skate park in the location, with a similar design to that currently proposed. The principle of this development is therefore considered to be established on this site and is acceptable.

Design and Appearance

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

Amenity Impacts on Neighbours

- 6.5 Concern has been raised by a resident of Turners Close in relation to noise and the possibility of extra traffic and noise on Stakers Lane. Concern was also raised in relation to the management of the facility
- 6.6 As noted in the original planning permission, the distance to the nearest properties is at least 96 metres away and this remains the same. The area has matured since the original planning permission was granted and the area of trees between the PROW and the skate park has naturally become more densely wooded.
- 6.7 Officers are not aware of any reported incidents of noise disturbance to the previously approved scheme or issues with additional traffic. The route to the Skate Park is not accessible to vehicles and users can only access the skate park via foot. It is acknowledged however that the re-building of the site will bring more people to the location once again and therefore the potential impact on neighbouring residents through potential noise and disturbance does need to be considered.
- 6.8 The Council's Environmental Health Officer initially raised some concerns regarding potential noise from the site and requested further detailed design information on the proposed materials, and the construction methods for the replacement skate park. Officers has been in correspondence with the applicant and a further Technical Report has been received setting out these details which Officers have agreed are acceptable and appropriate. It is

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

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

Water Neutrality

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

Conclusions

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

7. RECOMMENDATIONS

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

Conditions:

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

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

- 3 **Pre- Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of the installation of any CCTV and all external lighting have been submitted to and approved, in writing, by the Local Planning Authority.

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

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

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

INFORMATIVE

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

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

Background Papers: DC/21/0845