



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 15th December 2022

DEVELOPMENT: Variation of condition 6 to previously approved application DC/19/1283 (Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts) to allow increase from 10 participants to a maximum of 25 participants to allow daily function and growth of the club.

SITE: We Paint Unit 3 Capons Hill Farm House Station Road Cowfold Horsham West Sussex RH13 8DE

WARD: Cowfold, Shermanbury and West Grinstead

APPLICATION: DC/22/0366

APPLICANT: **Name:** Mr Dean Weston **Address:** Unit 3 Capons Hill Farm Station Road Cowfold RH13 8DE

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.

RECOMMENDATION: To refuse planning permission

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 Under DC/19/1283, permission was granted for the change of use of an existing vacant building at Capons Hill Farm House to a club for teaching of various martial arts in November 2019. This application seeks to vary condition 6 of DC/19/1283. This condition states:

***“Regulatory Condition:** At no time shall the number of participants exceed more than 10 individuals and 1 instructor.*

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

1.3 It is proposed to vary this condition to allow a total of 25 participants at any one time.

DESCRIPTION OF THE SITE

- 1.4 The application site comprises a single unit within a small rural industrial/agricultural estate approximately 330m west of the built up area boundary of Cowfold. The site is accessed via a track to the north side of Station Road (A272).
- 1.5 The wider site comprises a number of existing and former agricultural units set behind the residential dwelling known as Capons Hill Farm (outside of the ownership of the site). Several of these units are currently in B1 use. A large area of hardstanding is located to the north and south of the building, and within the yard area directly to the front/west of the unit.
- 1.6 The wider area is characterised by open agricultural fields and countryside, with sporadic residential development along the public highway, including Capons Hill Farm which shares the access track off Station Road (A272).
- 1.7 The site has been subject of a compliance investigation regarding the breach of the relevant condition. This investigation found that the club was operating in excess of the permitted number of participants. The current application was invited to address this breach.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

- 2.3 **National Planning Policy Framework**

- 2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 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 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

2.5 Cowfold Neighbourhood Plan

Examiner's Report dated 19 April 2021 concluded that the Plan should proceed to referendum.

Policy 6: Community Services and Facilities

Policy 7: Youth Facilities

Policy 16: Car Parking Provision

2.6 Cowfold Parish Design Statement

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1283	Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts	Application Permitted on 22.11.2019
DC/20/0525	Variation of Condition 6 to previously approved application DC/19/1283 (Retrospective application for the change of use of existing vacant building to a club for teaching of various martial arts) Relating to class numbers allowed	Application Refused on 16.06.2020

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:** No adverse comments

OUTSIDE AGENCIES

- 3.3 **WSCC Highways (Initial Response dated 10.06.2022):** Due to the inclusion of a Road Safety Audit (RSA) and in order to follow WSCC RSA procedure, additional internal consultation is required. A copy of the Designers Response to accompany the RSA is requested.

- 3.4 **WSCC Highways (Subsequent response dated 20.10.2022):** A Stage 1 Road Safety Audit has been taken in relation to the access onto the highway. The issues raised were in relation to foliage encroaching into the visibility splays and the condition of the access at the abutment to the public highway. As part of the WSCC RSA procedure a Designers Response to the RSA is required. This information has not been forthcoming by the Applicant.

Having reviewed historical highway information, it is confirmed that the highway boundary is set back into the site several metres from the edge of the carriageway. For this reason, the items raised are on the public highway and not the responsibility of the Applicant/access users. It has therefore been agreed that in this case a DR is not required and our Area Office will be informed of the issues raised in the RSA.

All users of the classes are required to book up on the Scheduling App to ensure classes are not oversubscribed. The majority of classes have been staggered to reduce the number of vehicles arriving and leaving the site at the same time.

The site access is of sufficient width to allow for 2 vehicles to pass clear of the highway and the access road is of sufficient length for waiting vehicles if necessary. There is sufficient parking within the site to accommodate a full class and instructors and spaces for waiting and turning if required.

Visibility from the access is acceptable and improvements have been made to remove signage from the visibility splays as part of Planning Application DC/20/0525.

The highway Authority would not wish to raise an objection to this application.

- 3.5 **WSCC Highways (Subsequent response dated 14.11.2022):** In the WSCC Highway Authority comments dated 20th October 2022, it was stated that, *“Visibility from the access is acceptable and improvements have been made to remove signage from the visibility splays as part of Planning Application DC/20/0525.”* This statement is not entirely accurate. Planning application DC/19/1283 under condition 3 required the Applicant to provide visibility splays free of any obstructions within 3 months of the date of the planning consent. It is the LHA’s understanding that this included the relocation of a “welcome to Cowfold” sign, that is located just to the west of the access. At the present moment in time it is believed that this sign is still located within the visibility splay and has not been relocated. This statement made in comments dated 20th October 2022 is therefore not entirely accurate.

However, each application must be assessed on its own merits, and the matter that the Cowfold sign has not be relocated is not considered a sufficient reason to refuse the application.

Therefore, the conclusions drawn do not change from those comments made on 20th October 2022 and the Highway Authority have no objections to planning application DC/22/0366.

The matter about compliance with condition 3 of planning permission DC/19/1283 is considered to be a planning enforcement matter that Horsham District Council would lead on.

- 3.6 **WSCC Highways (Subsequent response received 07.12.2022):** It is understood that condition 3 of planning permission DC/19/1283 required that within 3 months of the date of the planning consent that the maximum visibility splay shall be provided at the site access onto the A272 in accordance with a plan to be submitted. It is also understood that this has never been done and formally discharged.

This same condition would need to be included on any permission granted associated with planning application DC/22/0366 and the Applicant should ensure that the visibility splay is clear of any obstructions which may pose a highway safety risk, such as the “Welcome to “ sign to the west of the access.

- 3.7 **Natural England: Objection**

Notes that the Local Planning Authority, as competent authority, has undertaken an Appropriate Assessment of the proposals below 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, and a competent authority should have regard to Natural England’s advice.

The Appropriate Assessment concludes that your authority is **not able to ascertain** that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it **cannot** be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes

the tests of regulation 64; that is that there are no alternatives, **and** the proposal must be carried out for imperative reasons of overriding public interest.

Advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

- Proposed increase in occupancy/capacity should be clarified as it is unclear if the new total per class will be 25 or 26. The water neutrality statement and HRA figures should match to help avoid doubt and provide sufficient certainty.
- Evidence use of calculator (e.g. Building Regs Part G) to demonstrate exactly how the proposed efficiency measures will reduce water demand, with certainty.
- Provide evidence of rainwater calculations, using local rainfall data and providing for 35-day drought storage.

PUBLIC CONSULTATIONS

3.8 87 letters of support were received from 79 separate households, and these can be summarised as follows:

- Benefit to the local area
- Beneficial facility for young people
- Low noise level
- Adequate parking
- Inclusive community facility
- Health and wellbeing benefits
- Contributes to economic development
- Social benefits
- Adequate access

3.9 13 letters of objection were received from 9 separate households, and these can be summarised as follows:

- Safety of the public highway
- Inadequate access
- Significant increase in traffic
- Carried out in non-compliance with the planning approval
- Road Safety Audit suggests improvements that should be carried out
- Inappropriate visibility splay and impact of signage on this
- Intensification in vehicle trips
- Noise and disturbance
- Impact on neighbouring amenity
- Crime and antisocial behaviour
- Reliance on private vehicles

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 to vary condition 6 of planning permission reference DC/19/1283 to allow a total of 25 participants per session.

Principle of Development

- 6.2 The principle of the Martial Arts Studio was established under planning permission reference DC/19/1283, where it was concluded that the proposal would contribute to the sustainable economic development of the rural area, providing both social and economic benefit by providing sporting facilities for young people.
- 6.3 The current proposal seeks to vary condition 6 of the planning permission, relating to the number of participants. It is sought to increase this number from 10 (as permitted by the aforementioned condition) to a total of 25 individuals. The greater number of participants would continue to support the sport facility and would result in public benefits in this regard. However, this is subject to all other considerations which would result from the proposed increase in numbers, including the impact on neighbouring amenity (as outlined below).

Impact on Neighbouring Amenity

- 6.4 Policies 32 and 33 of the HDPF states that development should provide an attractive, functional, accessible and safe, and adaptable environment, and should ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, whilst having regard to the sensitivities of surrounding development.
- 6.5 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. In addition, paragraph 185 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 187 continues that decisions should ensure that new development can be integrated effectively with existing businesses, and these should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the application (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 6.6 Amenity for the purposes of planning does not focus solely on whether a statutory noise nuisance would occur as a result of the proposed development, but rather gives consideration to other forms of disturbance. Significant loss of amenity will often occur at lower levels of emission than would constitute a statutory nuisance. It is therefore important for planning authorities to consider loss of amenity from noise in the planning process in a wider context and not just from the limited perspective of statutory nuisance.
- 6.7 The application site is positioned at a distance from the sporadic residential properties located along Station Road and Brownings Hill. The application site is though located to the rear of the residential dwelling known as Capons Hill Farm, which is positioned approximately 95m to the south of the site. The access track to the site runs directly beside Capons Hill Farm, which is oriented to face west with its associated amenity space positioned to the north. Capons Hill Farm is therefore the dwelling that is most impacted from traffic movements and noise from the use of the unit.

- 6.8 Matters of amenity were considered during the initial application (reference DC/19/1283) where it was acknowledged that the proposal would result in additional activity and visitors to the site. However, the class sizes and associated activity and movements was considered to be relatively modest such that a refusal based on increased activity at the site and disturbance from increased use of the track by vehicles would be difficult to evidence or sustain. It was noted that any such disturbance from traffic would be experienced in the context of the existing traffic and noise from the busy Station Road (A272), and on this basis it was not considered that the use of the site would jeopardise the enjoyment and amenity of the nearby neighbouring properties. Conditions in respect of hours of operation, number of attendees, and restrictions on amplified music and sound were recommended, and these were considered necessary to protect the amenities or neighbouring properties and ensure that the use operated in a reasonable manner.
- 6.9 A later application was submitted under reference DC/20/0525 which sought to vary condition 6 of the original planning approval to accommodate 45 participants in the evenings and at weekends and 30 participants on weekdays before 6pm. It was outlined that the increase in class sizes would likely result in an increased intensification (approximately 4.5 greater than the conditioned level) of vehicular movements along the lane. The effects of this level of intensification experienced at the nearest affected residential property (Capons Hill Farm House) was therefore considered to be significant, particularly as the largest increase in participant numbers and vehicular movements would occur at weekends and after 6pm during the week. While it was accepted that this degree of intensification was a 'worst case' scenario, it was considered that the number of movements alongside Capons Hill Farmhouse would likely significantly increase to a degree that would appreciably harm the amenities of the property, with further potential harm should the number of classes increase. It was outlined that the level of disturbance from the significant number of traffic movements associated with the proposed level of participated would not be mitigated by noise from the A272, in part as these movements would be slow moving across an unmade track that would create a different kind of disturbance. Furthermore, the movements would take place outside of normal working hours when residential occupiers would expect a more peaceful living environment. For these reasons, the proposed variation to the condition was considered to result in a significant level of harm to the amenities and sensitivities of neighbouring properties by way of increased traffic movements. This decision is a material consideration of significant weight in the assessment of the current application.
- 6.10 As outlined in the previous application, it was assumed that a total of 100 weekly vehicular movements associated with the weekday (day) classes would take place along the track, with 160 weekly vehicle movements associated with evening classes, and an additional 160 weekly vehicle movements associated with the weekend classes. Operating at full capacity, and in line with the planning condition limiting participants to 10 per class, there could be an expectation of some 420 vehicle movements along the track on a weekly basis, excluding staff and instructors. It was acknowledged that this was a 'worst case' scenario, with these movements taking place alongside the existing vehicular movements to the wider commercial/light industrial site that share the access track. This forms the baseline to which the current variation can be considered.
- 6.11 The current application has sought to address the previous reason for refusal by reducing the proposed class size to 25. This would be an uplift of 15 individuals above current permitted levels. The Applicant has provided the current timetable for the Club, which indicates that a total of 27 sessions operate throughout the week, with the majority (14 sessions) taking place after 17:00 (and up until 21:00) during the week, and all sessions taking place in the morning (between 09.30 and 14:00) on the weekends. While there is scope within the current timetable for more classes to operate, the published timetable forms a baseline to assess potential vehicle movements and resulting impact.
- 6.12 On the basis of the above, and assuming one vehicle movement in and one vehicle movement out per participant, it is assumed that the proposal would result in approximately

700 vehicle movements associated with the evening sessions per week, 200 vehicle movements associated with the daytime sessions during the weekdays, and 450 vehicle movements associated with the daytime sessions during the weekend. This would result in a total of 1,350 vehicle movements throughout the week. It is noted that 1,150 of these vehicle movements would take place in the evenings and during weekends.

- 6.13 While it is accepted that the figures calculated are a 'worst case' scenario based on the current timetable, it is clear that the number of movements alongside Capons Hill Farmhouse would likely significantly increase to a degree that would appreciably harm the amenities of this property, with further potential harm should the number of classes increase. As previously considered, the level of disturbance from the significant number of traffic movements associated with this level of participation would not be mitigated by noise from the A272, in part as these movements would be slow moving across an unmade track creating a different type of disturbance. Furthermore, they would take place outside of normal working hours when residential occupiers would expect a more peaceful living environment.
- 6.14 For these reasons, while the proposed variation has reduced the likely potential vehicle movements from that previously considered under reference DC/20/0525, the additional participants and resulting vehicle movements is considered to result in a significant level of harm to the amenities and sensitivities of neighbouring properties by way of increased traffic movements, contrary to Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.15 Policy 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.16 The facility utilises the existing access track from Station Road (A272), with the existing area of hardstanding utilised for parking. A total of 20no. parking spaces are made available at the site.
- 6.17 The previous application under reference DC/20/0525 considered potential highways impacts resulting from the increased participant numbers. Given the level of intensification in participant numbers proposed, when coupled with the restricted width of the access track along its length, it was considered that the proposal had the potential to result in a 'backing up' of cars onto the A272, which would impact the continuing safety and free-flow of the public highway network. WSCC Highways sought the submission of a Road 1 Safety Audit of the access and access road up and into the site. In the absence of this information, it was considered that the impact of the proposed intensification on the safety of the public highway had not been demonstrated. The application was refused for this reason.
- 6.18 The Applicant has submitted a Stage 1 Road Safety Audit dated March 2022 by Laurence Shaw Associates, where it was noted that the visibility splays on both sides of the access were below standard due to verge foliage. Vehicles turning on to Station Road may not see approaching vehicles and conflicts may occur. The Audit recommends that adequate visibility is provided for drivers exiting the access, and this may require the removal of foliage. It was also noted that the road surface at the access/egress is uneven and potholed, which increases the risk of two-wheeled vehicles becoming destabilised on an uneven or slippery surface, resulting in rider falls. It is recommended that the road surface is improved to provide an even level.
- 6.19 WSCC Highways have been consulted on the application, with the initial response requesting that the Designers Response to accompany the Road Safety Audit be submitted. Following a request to the Applicant, no Designers Response was submitted.
- 6.20 A subsequent response was however provided by the Local Highways Authority which outlines that having reviewed historical highway information, it is confirmed that the highway

boundary is set back into the site, several metres from the edge of the carriageway. The matters raised in respect of foliage encroaching into the visibility splays and the condition of the access at its junction with the public highway are not therefore the responsibility of the Applicant. As such, the Local Highways Officer concludes that a Design Response is not necessary.

- 6.21 The Local Highways Officer has raised no objection to the proposal, with the site access considered to be of a sufficient width to allow 2no. vehicles to pass, with the access road considered of sufficient length for waiting vehicles where necessary. It is also considered that there is sufficient parking within the site to accommodate a full class and instructors, with spaces for waiting and turning if required. It is however noted that the visibility splays subject of condition under the original planning permission have not been implemented. The Local Highways Authority consider that the visibility splays are necessary and should be clear of obstruction to ensure that the development does not impose a highway safety risk. A condition securing this is recommended should the application be approved.
- 6.22 It is recognised that previous concerns have been raised with regard to the safety of the access and the impact on the highway. While it is noted that no objection has been raised by the Local Highways Authority, the Stage 1 Road Safety Audit submitted makes specific reference to a number of deficiencies in the access road which impacts the accessibility and usability of the access. The proposed intensification has the potential to unduly compromise the safety of the public highway, and while it is noted that the current proposal would result in less vehicle movements than previously considered under planning reference DC/20/0525, the proposal would nonetheless result in an intensification that has the potential to impact the continuing safety and free-flow of traffic on the public highway network. Without evidence to show that the access track to the site can operate safely, the proposed level of intensification and the subsequent level of vehicular traffic movements would lead to the potential for highway safety issues, contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 6.23 It is noted that despite the club having operated since permission was granted in November 2019, the planning condition to secure adequate visibility splays at the site entrance onto the A272 to make the access safe, has not been discharged. This is currently subject of a compliance investigation.

Water Neutrality

- 6.24 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.
- 6.25 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.
- 6.26 The Applicant has submitted a Water Neutrality Statement outlining that existing water demand arises from each attendee per class and the instructor per class. The calculation provided indicates that total per attendee consumption is 14 litres, with a total of 14 litres consumed per instructor. This is based on a single toilet flush, shower use (2 minutes), and drinking water from the mains (500ml to 1l). Based on the permitted 10no. participants and 1no. instructor, the total water use per class would amount to 154 litres. It is however noted that the Water Neutrality Statement has not taken account of the total number of classes per

- day, with no daily overall consumption figure provided. A timetable of classes has been provided separately, with classes ranging in number between 3 and 5 each day. Taking 4no. classes as an average, the total daily water demand is assumed to be 616 litres per day.
- 6.27 The proposal seeks to increase class sizes to 25no. participants per session. It is noted that the calculations provided within the Water Neutrality Statement suggests that there would be 24no. participants per session and 2no. instructors. Based on the application documents, it is assumed that there would be 25no. participants and 2no. instructors per class. Utilising the above calculations, the total water use per class would be 378 litres. The Water Neutrality Statement has not taken account of the total number of classes per day, with no daily overall consumption figure provided. Based on the timetable submitted, and the assumed 4no. daily class average, the total daily demand is assumed to be 1,512 litres per day. The details provided and calculated outline that the proposed variation would result in an increased consumption of 224 litres per class and a total of 896 litres per day.
- 6.28 The Water Neutrality Statement outlines that the proposed variation would result in an uplift of 210 litres per class. In order to achieve water neutrality, mitigation measures are proposed which would include: installation of flow restrictors to all taps; installation of a bottled water cooler (not fitted to mains supply); Hippo flush cistern bags installed within toilet cisterns; and installation of slimline greywater harvesting water butt. No specific calculations have been provided to evidence how these mitigation measures would reduce the water demand of the proposal. While figures have been provided, these have not been supported by calculations, albeit that some manufacturer specifications have been provided. Given the lack of information (in the form of a Water Table Calculator) to support the figures provided, it is considered that there is limited certainty to confirm that the mitigation measures would address the resulting demand. In addition, no figures have been provided with respect to the flow restrictors to be installed, so it is unclear what savings would be experienced from this. Furthermore, no rainwater collection calculation has been provided, and there is therefore no evidence to support that the proposed rainwater harvesting would allow the collection as advised. It has also not been confirmed that the tank would provide sufficient storage for 35-day drought.
- 6.29 For these reasons, it is considered that the water strategy proposed would not address the water demand arising from the development, with the proposal not considered to result in water neutrality. Furthermore, there is uncertainty that the measures as suggested would achieve and result in the required reduction. An Appropriate Assessment has been undertaken where it has been concluded that it is not possible to conclude that, with mitigation, the project will 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. It cannot therefore be concluded that the development would not be in conflict with the conservation objectives for the Arun Valley SPA, SAC and Ramsar site nor contribute further to the existing adverse effect on the integrity of these protected sites. As such, the grant of permission would be contrary to Policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.30 While the HDPF and NPPF both promote the health and well-being of residents by way of sports facilities, there is a need to balance the benefit of the provision of these facilities against all other material considerations.
- 6.31 Although recognised that the variation of condition to increase class sizes would contribute to the sustainable economic development of the rural area by providing both social and economic benefit by providing sporting facilities for young people, the proposal would result in a significant intensification of activity within the site and along the access lane. This would generate a level of noise and disturbance, particularly during evening hours and the weekend, which would adversely harm the amenities and living environment of the

neighbouring residential property known as Capons Hill Farm. Such adverse impact would be contrary to Policy 33 of the HDPF.

- 6.32 Furthermore, without sufficient evidence to show that the access track to the site can operate safely, the proposed level of intensification and the subsequent number of vehicular traffic movements entering and exiting the site, would lead to the potential for highway safety issues, contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 6.33 Insufficient information has also been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to 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 and Species).
- 6.34 For these reasons, the proposed development is considered to be contrary to local and national planning policies as outlined above.

7. RECOMMENDATIONS

- 7.1 To refuse the application for the following reasons:

Reason(s) for Refusal:

- 1 The proposed variation of condition 6 to increase the capacity of the premises would result in a significant level of intensification that would adversely affect the rural character of the locality and amenities of adjoining residents by virtue of the significant increase in the level of traffic and activity generated, contrary to Policies 33 and 40 of the Horsham District Planning Framework (2015).
- 2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the access track serving the development can operate safely, with the level of intensification and subsequent level of vehicular traffic movement leading to the potential for highway safety issues, contrary to Policy 40 of the Horsham District Planning Framework (2015).
- 3 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to 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).

Background Papers: DC/20/0525
DC/22/0366