



# **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).*

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*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.*

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*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 through 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).