



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee
BY: Head of Development and Building Control
DATE: 22.11.2023
DEVELOPMENT: The installation of 2no. canopy covered padel courts
SITE: Henfield Sports Centre Northcroft Henfield West Sussex BN5 9QB
WARD: Henfield
APPLICATION: DC/23/1177
APPLICANT: **Name:** Mr David Mohammed **Address:** Henfield Leisure Centre
Northcroft Edinburgh Henfield BN5 9QB United Kingdom

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE SITE

- 1.1 This application relates to Henfield Leisure Centre and the wider King's Field present to the adjacent north and west. The King's Field is accessible to the public and is a designated as a 'Local Green Space' within the adopted Henfield Neighbourhood Plan (2021).
- 1.2 The site falls within the defined built-up area boundary for Henfield, and is not subject to any environmental, ecological and/or heritage designation. The site can be accessed to the north via Deer Park or to the south via Kingsfield, where existing parking available to the Leisure Centre is present.
- 1.3 The King's Field includes 3x football pitches, comprising a single 'full-sized' pitch and two smaller 7 vs 7 pitches, utilised by Henfield Football Club. A skatepark, basketball court and youth club are also present adjacent to the northern boundary of the King's Field. Existing football pitches are demarcated only by painted white lines on grass, with no permanent or artificial playing surface present.

- 1.4 The King's Field possesses a managed character reflecting its use for recreational and sports purposes. The King's Field is edged by treed-hedgerows to its western, northern and eastern boundaries, with the grounds of Henfield Cemetery present to the adjacent east of the King's Field.

DESCRIPTION OF THE APPLICATION

- 1.4 Planning permission is sought for the construction of two covered Padel tennis courts to the adjacent north of Henfield Leisure Centre within existing playing fields forming part of the 'King's Field'. This part of the King's Field is directly adjacent to an existing 7 vs 7 'junior' football pitch and comprises the 'run-off' space associated with the existing pitch.
- 1.5 The proposed courts would be arranged end to end, occupying a footprint ~42.5m in length and ~10.7m in width. The courts would be positioned ~2m north of the existing Leisure Centre building, and in-line with the existing western elevation of the Leisure Centre. By reason of their length, the courts would project ~7m eastwards of the eastern elevation of the Leisure Centre.
- 1.6 The proposed courts would be contained within a combined glass and metal wire-mesh enclosure, covered by an open-sided arched polycarbonate-canopy provided to an eave height of 6m and ridge height of ~8.5m.
- 1.7 A total of 8x LED floodlights (4x per court) would be introduced within the proposed canopy structure to be introduced to the perimeter of the two courts at a height of ~6m, as assessed within the submitted Lighting Impact Assessment (ref: 27951-LIGH-0401, May 2023).
- 1.8 The proposed courts are proposed to be made available for use between the hours of 07:00-21:30 Monday to Friday and 08:00-17:00 on weekends, Bank and Public Holidays.
- 1.9 The proposed development would rely on existing access and parking facilities available to Henfield Leisure Centre, with no material changes to access and/or parking arrangements proposed.
- 1.10 The proposed development is indicated to be supported by Sustainable Drainage System (SuDS) infrastructure.

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 (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 24 - Strategic Policy: Environmental Protection

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

Henfield Neighbourhood Plan (2021):

Policy 1 – A Spatial Plan
 Policy 4 – Transport, Access and Car Parking
 Policy 9 – Community Infrastructure
 Policy 10 – Green Infrastructure and Biodiversity
 Policy 11 – Local Green Spaces
 Policy 12 – Design Standards for New Development

Planning Advice Notes:

Facilitating Appropriate Development
 Biodiversity and Green Infrastructure

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/18/0136	Non material amendment to previously approved DC/14/2229 (Extension to provide 'soft play' children's facilities, improved canteen and toilets with new entrance to main hall including a lift) Alterations to approved front entrance	Application Permitted on 25.04.2018
DC/18/1383	Non material amendment to previously approved application DC/14/2229 (Extension to provide 'soft play' children's facilities, improved canteen and toilets with new entrance to main hall including a lift). Amendments sought to design and layout of approved front entrance.	Application Permitted on 10.07.2018
DC/14/2229	Extension to provide 'soft play' children's facilities, improved canteen and toilets with new entrance to main hall including a lift.	Application Permitted on 06.02.2015

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

3.2 **HDC – Environmental Health:** No objection

[Summary] The Council's Environmental Health team responded that the submitted Acoustic Assessment and Lighting Assessments had been reviewed and that no objections were held. The absence of adverse acoustic effects, in compliance with national policy and relevant British Standards, were accepted. It was, similarly, considered that the proposed lighting strategy would comply with relevant British Standards and Institution of Lighting Professionals guidelines.

3.3 Place Services – Ecology (response of 11.09.2023): No objection

[Summary] The Council's consultant ecologists raise no objection to the proposals, subsequent to review of the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Limited, August 2023). The consultant ecologist was satisfied that sufficient ecological information was available for determination, with the submitted ecological assessments providing certainty as to likely impacts upon protected and priority species. It was considered that, subject to appropriate mitigation and proportionate biodiversity enhancement measures, the development could be made acceptable.

The response of the Council's consultant ecologists on 11.09.2023 supersedes an initial objection of 03.07.2023, received at a time where the proposals were not supported by ecological information and assessments.

3.4 Sport England (response of 17.07.2023): No objection:-

[Summary] Sport England raise no objection to the proposed development as a statutory consultee in respect of development affecting playing fields.

The Sport England officer advised that he had considered the proposal in the context of NPPF paragraph 99, and in respect of Sport England's own playing field policies. It was considered that the submitted plans (specifically ref: 2211-0/002 Rev D), showed the proposed courts to be positioned sufficiently far-away from the junior football pitch 'run-off' such as to result in no interference with playing provision.

The proposal, therefore, was deemed to satisfy exception 2 of Sport England's playing fields policy, in providing for ancillary facilities supporting the principal use of the site as a playing field, and which does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

The Sport England officer, further, advised that he had consulted within the Lawn Tennis Association (LTA), and incorporated LTA comments into their response, advising of the presence of a single existing Padel court in the locality at The Triangle, operating at 92% utilisation. The LTA comments expressed support of the construction of additional covered courts in the area to meet demand.

Sport England's response of 17.07.2023 supersedes an earlier holding objection of 16.06.2023, where further information had been sought as the layout and positioning of football pitches to establish impacts upon playing pitches.

3.5 Natural England (response of 21.11.2023): No objection:-

[Summary] In response to the Council's formal appropriate assessment of 31.10.2023, undertaken pursuant to Regulation 63 of the Conservation of Habitats and Species (England) Regulations 2017 (as amended), Natural England responded to confirm its agreement with the conclusion of the Authority's appropriate assessment, subject to the delivery, management and maintenance of measures identified in the submitted Water Neutrality Statement.

Natural England's response of 21.11.2023 supersedes an earlier objection of 06.07.2023, received in conjunction with the Authority's initial appropriate assessment undertaken 05.07.2023. This initial appropriate assessment was undertaken in the absence of a Water Neutrality Strategy.

3.6 WSCC – Highways: No objection:-

[Summary] The Local Highways Authority (LHA) responded to advise that there are no transport grounds to resist the proposal. The proposed development was not considered to result in an impact on highway safety or severe cumulative impact on the operation of the highway network such as to conflict with NPPF paragraph 111, notwithstanding the minor intensification of vehicle movements which would result from the proposed development.

The LHA, further, noted that the proposal would retain the existing 120x parking spaces available to the Leisure Centre and considered such provision to be suitable for the proposed use.

3.7 Southern Water: No objection:-

[Summary] Southern Water responded to note that the supporting documents propose the use of Sustainable Urban Drainage Systems (SUDS), which may be adopted by the utility provider in certain circumstances. Southern Water sought to refer the developer to relevant Design and Construction Guidance and highlighted the need for effective management and maintenance of SUDS systems, suggesting that the Council's Building Control officers, or other technical staff, comment on the adequacy of soakaways to dispose of surface water via soakaway.

3.8 Henfield Parish Council: No objection:-

[Summary] Henfield Parish Council responded to confirm no objection to the proposed development, and support for the concept and location of the proposed development.

PUBLIC REPRESENTATIONS;

3.9 45 Letters of representation were received in conjunction with the proposed development. These comprise of 34 letters in support of the proposed development, from 32 independent addresses, and 11 letters in objection to the proposed development, from 9 independent addresses.

3.10 The main material grounds for support can be summarised as:-

- The proposed development would provide opportunities for a new sport in the local area;
- Padel is a popular sport, which is fast-growing;
- The provision of new Padel facilities would support health and wellbeing, particularly as Padel is accessible to a range of age groups;
- The conclusions of the submitted noise assessment show the absence of noise concerns;
- The proposed development would provide opportunities for people to meet and socialise;
- The proposed development would support the financial sustainability of the existing Leisure Centre;
- There are very few Padel courts in Sussex and none in Horsham District;
- Covered courts would allow for play during poor weather conditions;
- The proposed courts are likely to prove popular;
- The proposed location is convenient and can be accessed on foot;
- Existing parking is available;
- Plenty of space is available to accommodate the courts;
- Existing Padel courts in the wider Sussex region are oversubscribed;
- The design and placement of the Padel courts is appropriate and in-keeping with the Leisure Centre;
- The location of proposed development has minimal impact on residential amenity;

3.11 The main material grounds for objection can be summarised as:-

- Concerns regarding noise disturbance from play activity, and resultant disturbance to nearby occupiers of land to the detriment of general health and wellbeing;

- The proposed development has not adequately considered noise control measures;
- Residential development at Parsonage Road is less than 100m from the proposed site;
- Noise from Padel courts/play is louder than tennis;
- Noise concerns associated with Padel courts/activity have been reported elsewhere, have resulted in legal challenges and a refusal of planning permission for a proposal to provide three padel courts at West Hants Tennis Club where acoustic screens and fencing were proposed;
- Social interactions between players may exacerbate and contribute to noise solely associated with play activity;
- Play on Padel courts produce loud percussive noise due to the nature of hard rackets, balls and surfaces which additionally cause noise to echo;
- The courts are proposed to be available for use for the full duration of the Leisure Centre opening hours and could be in operation for a prolonged period;
- Concerns regarding the potential for noise disturbance into evening hours;
- Adherence to planning guidance does not mean a noise impact would be avoided;
- The Council should produce its own, independent, noise assessment;
- Even low levels of noise disturbance would prove disruptive if this were to occur for prolonged periods;
- The maximum noise value of 44dB is above the World Health Organisation recommendation for community noise and night noise;
- Noise disturbance is likely to prove more pronounced to particular groups, including Children, the elderly, and shift-workers;
- The rear of dwellings on Parsonage Road would be exposed to noise disturbance, where the majority of living and sleeping spaces are present;
- The space separating the Leisure Centre from dwellings on Parsonage Road is not a typical urban environment, typified by a low level of activity more characteristic of a rural area;
- Noise from St Peter's Primary School and from the existing football pitches can be heard at Parsonage Road;
- The proposals would result in the loss of an existing, and successfully used, football pitch with no certain proposals for replacement/new facilities for Henfield Football Club;
- The proposed development would individually and cumulatively detract from the amount of public open space freely available to the public;
- The area where the courts are proposed can be water-logged due to run-off from the existing Leisure Centre. Development should not exacerbate the risk of flooding;
- Disturbance from existing light sources has been experienced at Parsonage Road, even where professional reports previously indicate otherwise;
- Noise disturbance would be experienced cumulatively with the use of playing fields for football and skating purposes in addition to noise from St Peter's Primary School;
- The proposal does not incorporate any means of noise mitigation;
- Noise disturbance associated with Padel activity would prove inappropriate to the character of the neighbouring Henfield Cemetery;
- The proposed canopy and enclosure will not effectively limited and/or contain noise;
- Concern that there will be limited demand for the proposed courts and that these will be sustainable;
- The submitted acoustic assessment does not include an assessment of the evening period;
- The submitted acoustic assessment appears to be purely theoretical, with no evidence of a site-visit or modelling of noise effect upon individual properties;
- The submitted acoustic assessment does not appear to take account of existing activity undertaken on the King's Field;
- The proposed courts will be situated at a greater elevation to dwellings on Parsonage Road;
- Sport England and World Health Organisation guidance in respect of appropriate noise levels and from anonymous noise sources is not reflective of noise associated with Padel activity;
- Noise levels during evening and night should be lower than during the day;

- The intermittent nature of noise associated with Padel activity should be accounted for in the assessment of acoustic impact;
- It is likely that noise disturbance resulting from the proposal would effect changes in behaviour by neighbouring residents;
- Concerns regarding the validity of modelling undertaken within the submitted acoustic assessment;
- Concerns regarding the noise impact upon existing users of the King's Field;
- Concern that the proposed development would unacceptably impact upon the character of the King's Field;
- The Dutch Tennis Association indicates the area of influence for two Padel courts is approximately 160 metres, such as to demand acoustic shielding;
- The proposed Courts are out of sight to the Leisure Centre reception and may encourage antisocial behaviour;
- Concern regarding the proximity of the Courts to an existing football pitch with insufficient run-off area;
- Concern regarding the feasibility of re-orientating the existing 7v7 football pitch to ensure this can safely and viably operate;
- The current plans do not show a pathway or other planting surrounding the courts;
- Concern that the proposed roof-canopy would not be 'football proof' and may discourage football activity;
- The loss of playing field space will effect the use of the Kingsfield for larger events, including the annual football tournament of consequence to the financial viability of Henfield Football Club;

3.12 Other material comments received neither in objection to, or support of, the proposals can be summarised as;

- If approved extensive noise mitigation needs to be secured as part of any planning approval;
- The opening hours of the Courts should be restricted so they cannot be play cannot take place before 9am or after 9pm;
- If approved a condition should be imposed requiring the construction of new football pitches before development commences;

3.13 Other comments raising concerns regarding the conduct of Henfield Parish Council and the potential for a conflict of interest between the Parish Council response and the application made on Parish Council land are acknowledged, though, do not represent material planning considerations and are not considered within this assessment.

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

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main considerations material to this application relate to:
- The principle of development;
 - The effects of development upon local character and appearance;
 - The effects of development upon neighbouring occupiers and users of land;
 - The effects of development upon the integrity of European habitats sites;

Principle of Development:

Spatial Policy:

- 6.2 The application site is located within a designated built-up area boundary. This represents a location, therefore, where the principle of development is accepted in spatial terms in accordance with the provisions of Policy 3 to the Horsham District Planning Framework (2015) (HDPF), and Policy 1 of the Henfield Neighbourhood Plan (2021) (HNP).

Use of Designated Local Green Space

- 6.3 NPPF paragraph 101 explains that the designation of land as Local Green Space, through local and/or neighbourhood plan preparation, provides an opportunity for communities to identify and protect green areas of particular importance.
- 6.4 NPPF paragraph 102, further, *inter alia*, seeks to explain the range of necessary qualities which a Local Green Space must possess in order to be recognised as demonstrably special to a local community, whether that be because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of wildlife.
- 6.5 Policy 11 to the HNP, and the associated policies map, designate the King's Field as a Local Green Space under the description of 'Kings Field Playing Fields and Playground'. HNP Policy 11, further, provides that development proposals within the designated Local Green Space will only be supported in very special circumstances.
- 6.6 Paragraph 5.86 to the HNP explains that the HNP local Green Spaces Study sets out the case for each site to be designated as a matter of fact in relation to the qualifying criteria identified within the Framework. Paragraph 5.84, in addition, provides that proposals for development affecting any designated Local Green Space will be determined by the Local Planning Authority on a case-by-base basis, taking account of all relevant material considerations, and that small scale infrastructure/utilities ancillary to the use of land for recreational purposes may be supported.
- 6.7 The HNP Local Green Spaces Study no longer features on the Parish Council's website as an evidence base document to the HNP as suggested by paragraph 5.86. It would, however, appear that relevant information has been incorporated to the adopted Neighbourhood Plan, as suggested at paragraph 7.98 to the independent examiners report where he identifies "*for clarity the relevant information is transposed into the Plan itself.*" Page 60 to the HNP provides the 'matter of fact' description referenced at HNP paragraph 5.86, noting the use of the King's Field as playing fields/football pitches, playground, and skateboard park in addition to the presence of Henfield Tennis Club and Leisure Centre. This matter-of-fact description is considered to strongly indicate that the demonstrably special qualities of the King's Field, which inform its Local Green Space designation, derive from its recreational value, predominantly for sporting and leisure purposes.

- 6.8 The proposed development would introduce new sporting facilities, understood to be made available for public use through future management and operation by Henfield Leisure Centre. The proposed development, therefore, would provide recreational and sporting opportunities to the local community in a manner deemed compatible with the existing use of the King's Field and its special qualities, as described within the HNP, as a Local Green Space. It is, therefore, considered that very special circumstances exist in this instance such that the proposed development can be supported in accordance with Policy 11 to the HNP.
- 6.9 It is acknowledged that some public representations have sought to express concern that the proposed development would reduce the amount of open-space 'freely accessible' to the public. However, the financial barrier to access proposed sporting facilities is not considered to invoke conflict with HNP Policy 11. The HNP, at page 60, identifies the existing Leisure Centre and Tennis Club as features which positively contribute to the recreational value of the King's Field, notwithstanding that such spaces could not be described as 'freely accessible', such as to indicate that the introduction of further serviced sporting facilities would not prove incompatible with the special qualities of the Local Green Space. In any instance, however, the area to be occupied by the proposed courts represents a small proportion of the overall Local Green Space designation, with extensive publicly accessible land available to the north and west. It is not considered, therefore, that the proposed development would realistically prejudice the use of the King's Field for informal recreational purposes such that an objection in this regard would prove reasonable.

Use of Playing Field Land:-

- 6.10 Paragraph 99 to the NPPF provides that *"existing open space, sports and recreational land, including playing fields, should not be built on unless:*
- a.) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b.) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c.) the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use."*
- 6.11 The definition of "playing field" at Annex 2 to the NPPF confirms that a playing field is to be regarded as "The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015". A playing field, therefore, does not solely comprise land physically contained within the demise of a formal sports pitch, but also the wider site within which pitches are contained. This is a relevant clarification as it is indicated that the proposed courts would not directly encroach into the pitch area of the adjacent 7 vs 7 football pitch but would be located in close proximity to the southernmost extent of that pitch and within its 'run-off' area if the junior football pitch to remain in its current position.
- 6.12 With regard to the first branch (a) of NPPF paragraph 99 there is no suggestion that the existing playing field is surplus to requirements or otherwise redundant, with the junior football pitch adjacent to the proposed development still in active use for football purposes.
- 6.13 In response to the second branch (b) of NPPF paragraph 99, the applicant has sought to provide clarity as to the intended arrangement of football pitches subsequent to the introduction of the proposed Padel courts and in response to an initial request by Sport England. The applicant proposes to arrange the easternmost 7 vs 7 football pitch, that closest to the proposed courts, such that this faces perpendicular to its existing orientation and occupies a space between the existing access from Deer Park and the westernmost 7 vs 7 football pitch. As detailed on plan ref: 2211-01 002 rev D, this rearrangement would

provide a minimum separation of ~14.7m between the proposed courts and edge of the easternmost 7 vs 7 pitch. A minimum separation of ~9.3m would remain between the westernmost 7 vs 7 pitch, which would remain in its existing position.

- 6.14 In response to details of the proposed rearrangement of pitches, Sport England (the statutory consultee) responded to advise that it considered the proposed development to satisfy its own playing pitch exception policy in providing for ancillary facilities supporting the principal use of the site as a playing field, not affecting the quantity of playing pitches or otherwise adversely affecting their use. In coming to this conclusion Sport England were satisfied that the proposal would provide sufficient run-off space between the junior pitches and proposed courts.
- 6.15 The proposed courts, existing Leisure Centre and adjacent junior football pitches are all included within the defined application site (plan ref: 2211-01 001 rev C). It is not known whether the entirety of the site falls within the leasehold title referenced at paragraph 2.7 to the Supporting Planning Statement, such that the applicant can directly alter the arrangement of junior pitches as proposed without the agreement of Henfield Football Club or another relevant body. The absence of information in this regard, however, does not necessarily influence the acceptability of the proposed development in this instance as the use of a negatively worded ('Grampian') condition can prevent the implementation of the proposed development until the relevant 7 vs 7 pitch has been rearranged as proposed.
- 6.16 The latest representation of Henfield Football Club (dated 19.07.2023) indicates an intention to work together with the Leisure Centre on the proposed development after the receipt of certain clarifications and assurances provided to the Football Club outside of this applications process. The lack of objection and indicated intention of the relevant parties to 'work together', provides assurance that there is more than 'no prospect' that the pitches will be repositioned as proposed such that a Grampian style condition is reasonable in this instance, and in the event that the applicant did not have the ability to directly alter the arrangement of pitches in the King's Field.
- 6.17 The rearrangement of junior football pitches would not result in a reduction in the number of playing pitches, or otherwise fail to provide pitches of equivalent quality to those present. Subject to the inclusion of appropriately worded conditions, therefore, it is considered that the minor loss of playing field land can be justified in the context of NPPF Paragraph 99(b).

General Need:-

- 6.18 Policy 43 to the HDPF seeks to afford general support to the provision of new or improved community facilities and services, particularly where these meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study, or otherwise contribute to the provision of Green Infrastructure. Policy 43, also, seeks to ensure that proposals do not lead to the loss of premises in-use, or last used, for community, leisure or cultural purposes, unless equally usable facilities can be conveniently provided nearby.
- 6.19 The Supporting Planning Statement seeks to draw attention to the nature of Padel as a fast-growing sport at paragraph 1.3, consistent with remarks (and the level of support) expressed in relation to the proposed development within public representations. The response of Sport England, as informed by advice received from the Lawn Tennis Association, explains that there is only one other Padel court locally, found at the 'The Triangle', Burgess Hill, which is operating at 93% utilisation.
- 6.20 Padel tennis was not assessed and/or discussed within the latest Open Space, Sport and Recreation Review (2021), though, evidence of a particular need within the Review would only operate to add additional weight to the support afforded by Policy 43 to the development of new and improved community facilities in general. The high-utilisation of

existing Padel facilities at Burgess Hill, as indicated within the Sport England response, together with the good number of representations received in support of the proposed development are suggestive of a local demand which would weigh in favour of a grant of planning permission.

Character, Design and Appearance:

- 6.21 Policies 32 and 33 of the HDPF stipulate that new development should be of a high standard of design and layout, with regard to natural and built surroundings, in terms of its scale, density, massing, siting, orientation, views, character, materials and space between buildings.
- 6.22 Policy 12 to the HNP provides that development will be supported where the design and detailing of development meets relevant requirements of the Henfield Parish Design Statement (2019). In addition, HNP Policy 12, *inter alia*, requires that the scale, density, massing, height, landscape design, layout and materials of new development are of a high quality and reflect the character and scale of its respective surroundings.
- 6.23 The Henfield Parish Design Statement (2019) does not introduce unique expectations for development at the King's Field, which falls within 'Zone C' (Fabian's Way) of Henfield as characterised within the Design Statement, which does recognise that the King's Field forms a linked open-space together with Henfield Cemetery affording distant views towards Black Down and Leith Hill. The Design Statement sets an expectation that development, of all types, should incorporate architectural details and roof-forms appropriate to local character, utilise sustainable materials and have regard to the pattern and layout of traditional village housing.
- 6.24 The proposed courts would occupy a small portion of the overall King's Field to the adjacent north of the existing Leisure Centre building. This section of the King's Field is solely laid to grass, with no features of individual character and/or landscape significance affected by the development proposals. It is, further, not anticipated that the siting and extent of development would unacceptably diminish opportunities for distant views towards Black Down and Leith Hill to be obtained from existing areas of public-open space, as identified within the Parish Design Statement.
- 6.25 The amount and footprint of proposed development is considered proportionate to the existing built-facilities of the Leisure Centre, and would prove subordinate to the existing height and massing of the Leisure Centre. It is, therefore, considered that the proposed development would prove acceptable in terms of its proposed massing and scale.
- 6.26 The appearance and design of the proposed court enclosures, associated open-sided canopy and supporting lighting, naturally, is informed by the intended sporting purpose and use for Padel tennis. Sporting enclosures of similar types, such as cricket cages, football cages and tennis courts are commonly seen in the context of community sporting facilities, and it is considered that the proposed development would prove appropriate to the character of its respective setting, which is already informed by the presence and prevalence of sporting facilities and activities undertaken in the vicinity of the proposed development and within the King's Field.
- 6.27 The submitted acoustic and lighting assessments supporting the proposed development are considered to provide confidence that the acoustic and lighting impacts of the proposed development would be experienced at a localised level, without detriment to the townscape character of this part of Henfield.
- 6.28 It is, therefore, considered that the visual and character effects of the proposed development are acceptable, and would comply with the relevant requirements of HDPF Policies 32, 33 and HNP Policy 12.

Impacts Upon Neighbouring Occupiers and Users:-

- 6.29 Policy 33 of the HDPF, *inter alia*, seeks to ensure that development is designed to avoid unacceptable harm to the amenities of nearby occupiers/users of land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.30 Policy 24 of the HDPF, *inter alia*, sets an expectation that development minimises exposure to, and the emission of, pollutants including noise, odour, air and light pollution in order to protect the quality of the District's environments.
- 6.31 Policy 12 to the HNP, *inter alia*, requires that the design of development respects the amenities of occupiers/users of nearby property and land.
- 6.32 The proposed development would be situated ~65m north-east of existing dwellings on Kingsfield, ~85m west of existing dwellings on Parsonage Road and ~120m south of existing dwellings on Deer Park. In light of these separation distances the proposed development would not materially impact upon the receipt of natural light and/or privacy enjoyed by nearby residential occupiers/users of land.
- 6.33 The proposed development is supported by acoustic and lighting assessments, undertaken in accordance with relevant professional standards and guidelines. The Council's Environmental Health team have reviewed these supporting documents, and have indicated within their response that the method, scope and conclusions of the acoustic and lighting assessments are acceptable, with no objection held as to a grant of planning permission.
- 6.34 The proposed courts are proposed to be utilised solely within statutory daytime hours, and not beyond 21:30 on weekdays and 17:00 on weekends, bank and public holidays. Subject to a condition requiring that the proposed hours of operation are adhered to, and that lighting is not operated except in connection with play activity, it is considered that the proposed development would not subject nearby occupiers/users of land to unacceptable levels of acoustic and/or lighting disturbance or would otherwise fail to minimise exposure to light and noise pollution. The proposal, therefore, is considered to comply with the relevant requirements of HDPF Policies 24 and 33, HNP Policy 12 and NPPF paragraph 174(e) in these regards.

Parking, Highway Safety and Operation:

- 6.35 Policy 40 of the HDPF, seeks to ensure that development is appropriately supported by transport infrastructure and encourages a strategic re-balancing away from reliance on the use of the private vehicle as a means of access to jobs, homes, services and facilities. Policy 40, *inter alia*, seeks to ensure that development maintains the existing transport network, is located in areas where a choice of transport modes are available and minimises the distances which people need to travel. Development, in addition, must provide a safe and suitable means of access to vehicles, pedestrians and other highways users.
- 6.36 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.
- 6.37 Policy 4 to the HNP, *inter alia*, provides that development should demonstrate safe pedestrian routes to community facilities, including recreational facilities, and prevent the

loss of public car parking in the village centre and provide adequate off-road car-parking in accordance with West Sussex parking standards.

- 6.38 The proposed development does not seek to introduce a new point of highway access, or any alteration to existing access and parking arrangements at the Leisure Centre. Within their response the Local Highways Authority consider that existing access and parking arrangements are suitable to support the proposed development, and the non-significant material intensification in movements to/from the site considered to result. Consistent with the conclusions of the Local Highways Authority, therefore, it is considered that the proposed development would avoid unacceptable impacts upon highway safety and/or a cumulative severe impact upon the operation of the highway network in a manner contrary to the requirements of NPPF paragraph 111.
- 6.39 The application site is sustainably located within a local context, likely to be accessible to a large area of Henfield on-foot or cycle, consistent with the aspiration of HDPF Policy 40 in seeking to promote development within locations where a range of sustainable transport options exist. The Leisure Centre already benefits from covered cycle-parking, with the proposed development not considered of a scale which would generate a need for additional cycle-parking capacity beyond that currently available.

Ecology:

Ecological Impacts and Biodiversity Net-Gain:

- 6.40 Policy 25 of the HDPF *inter alia*, requires that development safeguards protected species, ensuring no net loss of biodiversity. Policy 31 of the HDPF provides that development which makes a positive contribution to existing biodiversity, including the creation and management of new habitats where appropriate, will be supported.
- 6.41 Policy 10 to the HNP provides that development will be supported where designed to maintain or increase biodiversity. HNP Policy 10, in particular, seeks to encourage the retention of existing trees, hedgerows, woodland and green infrastructure features, and development which incorporates design features intended to promote the conservation of declining species, including swift, swallow, barn owl, nightingale and bats.
- 6.42 NPPF paragraph 174(d) provides that planning policies and decisions should minimise impacts, and provide net-gains for biodiversity, including by establishing coherent ecological networks which are more resilient to current and future pressures.
- 6.43 The proposed development is supported by a professionally conducted Preliminary Ecological Appraisal and Bat Roost Assessment. The submitted Assessment identifies the various features present within the application site and considers the likelihood of protected species being present together with the wider ecological value of existing features. The Assessment considers there to be a low likelihood of impact upon protected mammals, amphibians, birds and invertebrates as a consequence of the proposed development, in-light of the condition and nature of features present in the vicinity of the site and recommends a number of precautionary measures to avoid the possibility of harm to amphibians,
- 6.44 With specific regard to bats, the Assessment considers the existing Leisure Centre building unsuitable for roosting bats, with no evidence of bat activity observed at the Leisure Centre at the time the building was surveyed. The Assessment, however, does identify that the mixed-species hedgerow to the north-east of the proposed courts is suitable for bat commuting and foraging, and advises that a low impact lighting strategy will be implemented to benefit bat foraging and commuting potential. Measures recommended for the low impact lighting strategy include the use of narrow spectrum lighting emitting minimal ultra-violet light, the use of lighting of a 'warm' colour temperature, the introduction

of cowls, shields, hoods and luminaire orientations to contain and avoid unnecessary lighting spread together with the use of sensor triggered lighting to avoid the operation of lighting when not required.

- 6.45 The Preliminary Ecological Appraisal and Bat Roost Assessment post-dates the preparation of the lighting assessment, and is more precise in terms of the assessment of ecological features and necessary measures to minimise impacts upon bats and biodiversity. There is scope for details as to the low-impact lighting measures recommended within the ecological assessments to be secured by way of appropriately worded condition prior to the first operation of floodlighting such as to ensure that that proposed floodlighting is implemented in accordance with the recommendations of the ecological assessment and appropriately minimises impacts upon biodiversity and protected species.
- 6.46 The Preliminary Ecological Appraisal, further, recommends two minor measures to improve and enhance biodiversity, in the form of introducing bat and bird boxes to the existing Leisure Centre and/or nursery building. These enhancements can, also, be secured by way of appropriately worded condition to ensure that the development makes a positive contribution towards biodiversity, in accordance with the provisions of HDPF Policy 31, HNP Policy 10 and NPPF paragraph 174(d).
- 6.46 The submitted ecological assessments have been reviewed by the Council's consultant ecologists, who have advised that the scope, method and conclusions of the ecological assessments are acceptable and that no objections to the development are held in ecological terms, subject to appropriate conditions securing the relevant mitigations, lighting designs and biodiversity enhancements identified within the ecological assessments.

Water Neutrality:

- 6.47 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.
- 6.48 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.
- 6.49 As outlined within a submitted water neutrality statement (WNS) the applicant proposes to offset any increased demand for mains-water resources resulting from the new sporting facilities by way of the introduction of new, efficient, cisterns to 10x existing W/Cs within the Leisure Centre.
- 6.50 The WNS models that the proposed measures would deliver a 145 litre/day saving within the existing Leisure Centre, sufficient to offset the anticipated 121.75 litre/day increase in consumption which would be expected if the proposed courts were to be used to the maximum possible occupancy and duration.
- 6.51 The Council has considered the proposed water neutrality strategy in detail in undertaking a formal appropriate assessment. It is considered that WNS has utilised sufficiently precautionary assumptions in respect of the calculation of existing/anticipated occupancy and demand, and as to the resultant efficacy of mitigation measures. The appropriate

assessment, therefore, concludes that the proposed measures would achieve water-neutrality and avoid the possibility of adverse effects upon the integrity of the Arun Valley sites. Natural England have responded to confirm their agreement with the Council's assessment, and as to the absence of adverse effects upon integrity.

- 6.52 The Leisure Centre and proposed courts are in consistent ownership and contained within the defined application site. The proposed mitigations, therefore, are capable of being secured by way of appropriately worded condition necessitating that the proposed mitigations are implemented in full, and thereafter retained, prior to the first operation of the proposed courts. Subject to such a condition the proposed development is considered to satisfy the requirements of Regulation 63 of the Conservation of Habitats and Species (England) Regulations 2017 (as amended), in addition to the relevant requirements of HDPF Policy 31.

Other Matters:

- 6.53 The site is not designated as at risk of fluvial, surface-water and/or reservoir flooding, such that flood-risk and drainage concern would reasonably justify planning permission being withheld. The submitted application form indicates that the proposed development is to dispose of surface way by way of sustainable drainage system. This represents the preferred method of disposal, in principle, as identified within HDPF Policies 37 and 38. No details of drainage design are currently available, accordingly it is necessary to secure such detail by way of appropriately worded condition to ensure that the development is adequately drained.

Conclusions and Planning Balance:

- 6.54 The application site is located within a defined built-up area boundary, where Policy 3 to the HDPF and Policy 1 to the HNP establish the principle of development in spatial terms. Policy 43 to the HDPF, in addition, operates to afford general support to the development of new and improved community facilities, including sports facilities of the nature subject of this application, and for which a demand would appear to exist.
- 6.55 NPPF Paragraphs 92 and 93 confirm that planning policies and decisions should aim to promote opportunities to encourage social interaction, enable and support healthy lifestyles and opportunities to increase the sustainability of communities, including through the provision of sports facilities. The health and wellbeing benefits to be derived from the proposed development, therefore, should be accorded significant weight in-line with the provisions of the Framework in this regard.
- 6.56 With regard to the use of land designated as Local Green Space, it is considered that very special circumstances exist to justify the use of land designated as Local Green Space, as compatible with the main function of the King's Field for recreational and sporting purposes, in accordance with Policy 11 to the HNP.
- 6.57 It is, similarly, considered that the minor loss of playing field land resulting from the development can be accepted in the context of NPPF paragraph 99(b) if adjacent junior football pitches are re-arranged as proposed such as to ensure no material loss in the quality and quantity of existing pitch provision. This re-configuration is capable of being secured by way of appropriately worded 'Grampian' condition.
- 6.58 It is not considered that the proposed development would unacceptably impact upon local character and appearance, highway safety or operation, flood-risk, protected species and existing habitats or upon neighbouring and nearby users/occupiers of land and property, subject to appropriate conditions. The absence of harm in these regards attracts neutral weight in the planning balance and neither weighs in favour of, or against, a grant of planning permission.

- 6.59 Opportunities to incorporate minor biodiversity enhancements are identified within the submitted ecological assessments, and can be secured by of appropriately worded conditions. The provision of biodiversity enhancements aligns with aspirations promoted by HDPF Policy 31, HNP Policy 10 and NPPF paragraph 174, and are considered to attract moderate weight in favour of a grant of planning permission, recognising the minor nature/scale of the recommended enhancements.
- 6.60 Overall, it is considered that the proposed development is in accordance with the provisions of the development plan, and that no material circumstances exist to justify a departure from the provisions of the development plan. It is, therefore, recommended that planning permission be granted, subject to the conditions recommended below.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted, subject to conditions.

Conditions:

- 1.) **Plans Condition**
- 2.) **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 3.) **Pre-Commencement Condition:** Prior to the commencement of the courts, and associated physical infrastructure, hereby approved the 'junior' 7 vs 7 football pitch present to the adjacent north shall be reorientated and repositioned as detailed on the approved site plan (ref: 2211-01 002 revision D) and layout plan (ref: proposed layout 9). The pitch shall, subsequently, remain in that position and orientation.

Reason: To ensure that the proposed development does not result in a material reduction in the quantity and quality of playing pitches and in accordance with Paragraph 99 to the National Planning Policy Framework (2023).
- 4.) **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is adequately drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).
- 5.) **Pre-Occupation Condition:** Prior to the first operation of the courts hereby approved, all existing W/C cisterns present within the adjacent Henfield Leisure Centre building shall be replaced with 4-litre flushes as detailed at paragraph 5.7 and Appendix D to the approved Water Neutrality Statement (Motion, dated 27.10.2023). The installed water-saving measures shall, thereafter, be retained as detailed, unless replaced with an alternative fitting of equivalent and/or superior water-saving performance.

Reason: To ensure the development is water neutral and avoids an adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 182 of the National Planning Policy Framework (2023), and to enable the Authority to discharge its duties pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended).

- 6.) **Pre-Occupation Condition:** Prior to the first operation of the courts hereby approved, full details, including finalised locations, of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall have regard to the recommendations of the approved Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Limited, issue 2, dated 08.08.2023) at Table 6. The approved enhancement measures shall, subsequently, be implemented as approved in advance of the first operation of the courts and retained as such thereafter.

Reason: To ensure that the approved development delivers opportunities for a proportionate biodiversity enhancement, and in accordance with Policy 31 of the Horsham District Planning Framework (2015), Policy 10 of the Henfield Neighbourhood Plan (2021) and Paragraph 174 of the National Planning Policy Framework (2023).

- 7.) **Pre-Occupation Condition:** Prior to the first operation of the courts hereby approved, and notwithstanding details contained within the approved Lighting Impact Assessment (Mewies Engineering Consultants Ltd, ref: 17951-LIGH-0401, dated May 2023), a detailed lighting design scheme shall be submitted to and approved by the Local Planning Authority in writing. The lighting design scheme shall include details of the positions, orientations, heights, types and specifications of lighting. The lighting scheme shall address the recommendations for the adoption of a low-impact lighting strategy contained within Table 6 to the approved Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Limited, issue 2, dated 08.08.2023) and the various measures outlined to reduce ecological lighting impacts. The lighting design scheme shall, subsequently, be implemented as approved and retained as such thereafter.

Reason: To ensure that the proposed development minimises its ecological and biodiversity impacts and preserves protected and priority species to the greatest possible extent in accordance with Policies 25 and 31 to the Horsham District Planning Framework (2015) and Paragraph 174 to the National Planning Policy Framework (2023).

- 8.) **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no lighting and/or floodlighting shall be erected, installed or introduced in support of, or association with, the courts hereby approved, except that approved pursuant to the lighting design scheme subject of condition 7 attached to this permission.

Reason: To ensure that the proposed development minimises its ecological and biodiversity impacts and preserves protected and priority species to the greatest possible extent in accordance with Policies 25 and 31 to the Horsham District Planning Framework (2015) and Paragraph 174 to the National Planning Policy Framework (2023).

- 9.) **Regulatory Condition:** Any lighting and/or floodlighting introduced in support of, or association with, the courts hereby approved shall only be operated when the courts are in active use.

Reason: To prevent unnecessary light pollution and to minimise the emission of pollutants in accordance with Policy 24 to the Horsham District Planning Framework (2015).

- 10.) **Regulatory Condition:** The courts hereby approved shall only be operated between the hours of 07:00-21:30 Monday to Friday and 08:00-17:00 on weekends, bank and public holidays.

Reason: To safeguard the living conditions of occupiers/users of nearby residential properties and in accordance with Policy 33 to the Horsham District Planning Framework (2015) and Policy 12 to the Henfield Neighbourhood Plan (2021).

11.) **Regulatory Condition:** The development hereby approved shall be implemented in full accordance with the recommended mitigation measures set-out within Table 6 to the approved Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech Consulting Limited, issue 2, dated 08.08.2023), including the precautionary working method for amphibians.

Reason: To safeguard protected and priority species and in accordance with the Policies 25 and 31 of the Horsham District Planning Framework (2015) and the provisions of the Wildlife and Countryside Act 1981 (as amended).

Background Papers:
DC/23/1177