



TO: Planning Committee North

BY: Head of Development

DATE: 05 September 2017

DEVELOPMENT: Temporary change of use of existing volleyball court and the erection of a temporary 35(W) x 30(L) x 5.1(H) marquee (housing ice rink, cafe and reception) for 102 days between 20th October 2017 and 28th January 2018. Proposed opening hours of 10am-9pm, 7 days a week, excluding Christmas Day.

SITE: Horsham Park North Street Horsham West Sussex

WARD: Horsham Park

APPLICATION: DC/17/1689

APPLICANT: **Name:** Mr Richard Bradley, Horsham Outdoor Events Ltd
Address: Chapel House Jarvis Lane Steyning

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received contrary to the Officer's recommendation

RECOMMENDATION: To grant planning permission, subject to conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Temporary planning permission is sought for a change of use of the site from an existing outdoor parkland area to an ice skating rink, including the erection of an enclosed marquee hosting the rink, reception area, and bar. The ice skating rink will operate for a total of 102 days between the 20th October 2017 to the 28th January 2018, running every day from 10am to 9pm, excluding Christmas Day. The proposed enclosed marquee will measure 35m in width, 30m depth and host a pitched roof with an eaves height of 3.2m and a ridge height of 5.2m. It will enclose an area totalling 900m², and will be mounted on a temporary timber platform/frame. The site's use and condition will revert back to public parkland following the event.

DESCRIPTION OF THE SITE

- 1.2 The application relates to a volleyball court located within the south-western section of Horsham Park, on a site which formerly comprised a nursery school and associated land. The site is within a wooded area close to the Park House parking area, north of the B2195 (North Street) and south of The Pavilions in the Park. The volleyball court measures

approximately 23m in length by 12m in width, consisting of a sand floor covering, imbedded into the ground, and is surrounded by grass.

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:

NPPF2 - Ensuring the vitality of town centres

NPPF4 - Promoting sustainable transport

NPPF7 - Requiring good design

Horsham District Planning Framework (HDPF 2015)

HDPF1 - Strategic Policy: Sustainable Development

HDPF5 - Strategic Policy: Horsham Town

HDPF7 - Strategic Policy: Economic Growth

HDPF9 - Employment Development

HDPF11 - Tourism and Cultural Facilities

HDPF12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF34 - Cultural and Heritage Assets

HDPF40 - Sustainable Transport

HDPF41 - Parking

HDPF43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

- 2.2 The site is located within the boundary of the Horsham Blueprint Neighbourhood Forum which was confirmed as a designated Neighbourhood Forum area in June 2015. As the Forum is in early stages of producing a Neighbourhood Plan, no weight can be given to this process at this stage in the determination of this application.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1453	Proposed formation of hardstanding and change of use from open space to mixed use recreation and event space	Under Consideration
DC/08/0952	Change of use of land from former nursery back to parkland	Approved 17.06.2008

3. OUTCOME OF CONSULTATIONS

INTERNAL CONSULTATIONS

- 3.1 **Arboricultural Officer** –The height of the proposed marquee in its current position would interfere with a portion of the canopy of the nearby oak tree.
- 3.2 **Conservation Officer** – No objection in principle, due to the temporary nature of the development and subject to conditions and making good of the site following the event.
- 3.3 **Public Health and Licensing** – No objection.

- 3.4 **Strategic Planning** – No objection.
- 3.5 **Town Centres Manager** – Strongly supports this application to bring the previously successful ice skating rink closer to Horsham Town Centre in this location.
- 3.6 **Landscape Architect** – No objection in principle, due to the temporary nature of the development and subject to conditions and making good of the site following the event.
- 3.7 **Parks and Countryside** – No objection, on the grounds that no works are undertaken to any trees surrounding the site.

OUTSIDE AGENCIES

- 3.8 **Historic England** – No objection, in principle. Any material impact on the setting and character of the listed building would be transient (on the basis that the site can be appropriately reinstated/restored after the skating event).

PUBLIC CONSULTATIONS

- 3.9 **Denne Neighbourhood Council** – Supports the application and therefore has no objection to the proposal. Horsham Denne Neighbourhood Council has taken note of the many concerns and objections expressed, but believe that this application for the temporary ice rink will be of benefit to the community and not harm the Park or cause insurmountable problems.
- 3.10 **Trafalgar Neighbourhood Council** – Objects to the application, as the event would run for an unacceptable amount of time, which would cause harm to the landscape and trees surrounding the site, and would restrict the overall enjoyment of the park.
- 3.11 One hundred and sixty (160) letters of representation have been received within the consultation period, four (4) of which supported the application for the following reasons:
- More appropriate siting than previous event
 - Better transport links from town and surrounding areas
 - Makes use of underused area within the Park
 - Event will attract more people to the town
- 3.12 One hundred and fifty six (156) objected to the proposal on the following grounds:
- Overdevelopment of park resulting in the loss of greenspace.
 - Loss of amenity space for park users.
 - Disuse of volley ball court should not validate a reason for its removal.
 - Negative highway and increased traffic impact on existing parking areas and streets.
 - Increased noise pollution when used.
 - Potential environmental damage.
 - Potential increase in anti-social behaviour.

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

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

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

6. PLANNING ASSESSMENTS

- 6.1 It is considered that the principle issues in the determination of the application are:

- a) Principle of the Development;
- b) Visual Impact;
- c) Impact on neighbouring Listed Building/Wall;
- d) Impact on neighbouring amenity, and;
- e) Impact on Highways

Principle of the Development

- 6.2 The application site historically comprised a nursery school before being returned to parkland. The site currently comprises a volleyball court and parkland which policy 43 of the Horsham District Planning Framework (2015) would seek to retain unless equally usable facilities can be conveniently provided nearby. The applicant has advised that the existing volleyball court is currently underused and while there is no intention to temporarily relocate the facility within the park during the life of the event, Horsham Park hosts a variety of outdoor activities, including tennis courts, football / rugby pitches, a bowling club and walking and cycling routes with extensive parkland providing space for other informal recreational activities. The Parks and Countryside team intends to provide an outdoor gym within close proximity to the existing court in the near future. As such, the temporary loss of the volleyball court is not considered detrimental to the community enjoyment of Horsham Park and the proposed hardstanding would facilitate additional and informal public use.
- 6.3 The site has strong connections to the main town, including short bus routes to the centre and surrounding areas, a strong rail link outside of town, and a short walk to the centre of the main town. The proposal would contribute to a strong, responsive, and competitive economy, which would also result in supporting a strong and vibrant community throughout the Christmas period. The development is also expected to promote tourism and enhance local cultural facilities, due to the proximity of the site in relation to the centre of the main town, by attracting business and custom to the town centre and the park. The proposed development would therefore have positive economic and social benefits, and as such the principle of the development is therefore supported, in accordance with Policies 5, 7, 9, 11, and 12 of the Horsham District Planning Framework (2015).

Visual Impact

- 6.4 In regards to the resulting appearance of the temporary development, policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape. Development must relate sympathetically to the local landscape and should justify and mitigate against any losses that may occur through the development.
- 6.5 The ice rink would be enclosed within a 900m² marquee, measuring a total length of 35m and depth of 30m, including a reception area with café/bar to the eastern side of the site, and the main rink area. The marquee would comprise extensive glazing with a white frame, and a white pitched roof with an eaves height of 3m, and ridge height of 5m. Due to the varying levels of the application site, the marquee would be mounted on a raised block timber frame, which would support the structure and level the surface above ground level.

- 6.6 Whilst large, the marquee would be well accommodated within the curtilage of the site, and within the wider setting of the park. To the north, the site is located adjacent to a public footpath and a wooded area, in which the marquee would be viewed against from the south. Given the temporary nature of the proposal, in which the marquee would be erected for 102 days (excluding assembly and disassembly), coupled with the fact that the site would be reverted back to its main use as an outdoor retail area, and satisfactory distance from the highway and from residential view, the proposal is not considered to negatively impact on the character and setting of the site. Therefore, the development is considered to accord with Policy 33 of the Horsham District Planning Framework in regards to its proposed appearance and visual impact within Horsham Park.
- 6.7 The proposed marquee would be sited within the root protection area and canopy of a nearby oak tree to the south of the site. The proposed frame, which would sit on block joists above ground level, would not interfere with the roots of the trees below ground. However, a section of the ridge of the roof would fall directly within the area of the canopy of the tree, in which the 5m height of the marquee may well impact upon. Following consultation from the Parks and Countryside team, it is considered that some minor pruning to the northerly hanging branches, some of which are affected by chlorosis (discolouring of leaves due to a chemical imbalance), may be acceptable. However, any major lopping or loss of limbs to the tree would be detrimental to the character of the tree and its setting within Horsham Park. It is noted that the applicant states that no works to tree are required, as the layout and footprint of the marquee could be manoeuvred to avoid the overhanging canopy. As such, on balance, no objection is raised in regards to the impact on the surrounding trees in principle, on the grounds that the trees surrounding the site are not affected by the development. An informative is proposed to advise the applicant to contact the Parks and Countryside team if any works to the tree are required.

Impact on Neighbouring Listed Building/Wall

- 6.8 Policy 34 of the Horsham District Planning Framework states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, stating that development which would have an adverse impact on the setting or special architectural character or appearance of a listed building/structure will not be permitted.
- 6.9 The application site is located approximately 66m north-east of Park House, a grade II* listed building, 90m west of 45-47 North Street (grade II) and 51m north of the Park House Estate Wall (grade II). Given the siting and distance of the proposal site in relation to the neighbouring heritage assets, coupled with the temporary nature and use of the development, the proposal would not result in any permanent adverse harm to the setting and special architectural character of the listed buildings/wall over and above the existing arrangement.

Impact on Neighbouring Amenity

- 6.10 Policy 33 continues to state that permission will be refused where a development may negatively impact on neighbouring amenity.
- 6.11 Residential representations have been received which referred to the potential impact on neighbouring amenity mainly by way of noise, from users of the ice rink, amplified music, and machinery. The closest residential dwelling to the site is No. 13 Parkside Mews sited approximately 55.5m to the north-east, with other residential dwellings on Parkside Mews set further from the site. Between the site and the neighbouring residential dwellings lies a wooded area.

- 6.12 The event will also require some degree of plant/machinery, such as generators and a refrigeration unit to maintain the ice skating rink. 1 generator will be required, which would generate at a level of 64dB at 10m. The ice skating rink requires an on-site refrigeration unit, which will operate 24 hours, at level of 53dB at 10m. The associated equipment would be sited to the south-west of the site, facing away from any residential neighbours, thus diminishing any perceived harm from the operation of this equipment. Following consultation with Environmental Health, the proposed equipment and siting of the equipment is not considered to detrimentally to cause harm to neighbouring amenity.
- 6.13 Given the siting and orientation of the proposed rink, coupled with the separation distance from any neighbouring dwellings, the proposal is not considered to adversely impact on neighbouring amenity by way of overlooking or overshadowing. With this and the above in mind, the proposal is considered with Policy 33 of the Horsham District Planning Framework in regards to its impact on neighbouring amenity.
- 6.14 With the above in mind, the applicant has satisfactorily demonstrated that no adverse impact to neighbouring amenity by way of overlooking or overshadowing would result from the development, due to the modest height and position/orientation of the proposed structures and equipment, and the proposed noise levels are not considered harmful. The application is therefore considered in accordance with policy 33 of the Horsham District Planning Framework in regards to impact on neighbouring amenity.

Impact on Highways

- 6.15 Policies 40 and 41 of the Horsham District Planning Framework relates to transport and parking, and states that more transport choice including community transport where appropriate will be encouraged, as well as a reduction in private car use and greater accessibility to more sustainable modes of transport. The district has a good rail network so the increased use of stations will be encouraged through better pedestrian and cycle links. Adequate parking and facilities must be provided within developments to meet the needs of anticipated users.
- 6.16 The application site is located in close proximity to nearby public car parks and is well served by public transport, in which the development would not arise in any permanent impact on existing parking arrangements or traffic conditions surrounding the site following completion of works. The site also benefits from close walking links to the centre of town and nearby residential areas, as well as cycle routes, in which monitored cycle parking is proposed for the event, and would be close to bus routes on the roads encircling the park and Horsham train station. The proposal is therefore considered to be appropriately sited within the town, which would benefit from nearby public transport routes within and to and from the centre of Horsham.
- 6.17 In regards to parking and footfall, the applicant has stated that no more than 110 people would be using the rink at any one time, in which approximately 25-50 cars would be required for one session. The car parks surrounding the site will adequately serve this, in which a total of approximately 2450 would be available. Details of the public car parks will be advertised when customers book tickets online, thus raising awareness of alternative car parks. With the above in mind, the proposal is not likely to cause material harm to the highway and parking within the town.
- 6.18 It is noted that the redevelopment of the Hurst Road car park would be undertaken at the same time as the assembly of the Ice Rink, in which the development of the car park is expected to take 10-12 weeks. Approximately 20-30 parking spaces will not be operating at any one time as part of the phasing of the development, in which surrounding car parks will be able to account for the loss of these spaces. By the time of the peak period of the event, leading up to Christmas and New Year's Eve, the Hurst Road redevelopment should have

concluded, thus not amounting to any pressures on the parking situation affecting the proposal.

Conclusion

- 6.19 The proposed temporary ice rink event would not result in any permanent impact on the character and setting of Horsham Park, in which the development would not be of any detriment to highway safety, visual amenity or neighbouring amenity. The application is therefore considered acceptable, and would accord with the relevant policies of the Horsham District Planning Framework.

7. RECOMMENDATIONS

- 7.1 That planning permission be granted, subject to the following conditions:

- 1 A list of the approved plans.
- 2 **Time Condition:** The proposed temporary use of the land for an ice skating rink hereby permitted shall only operate between the dates of 20th October 2017 and 28th January 2018. Thereafter, the use shall be discontinued and the land and existing access paths shall be restored to their original condition.

Reason: The use hereby approved is not considered suitable as a permanent form of development to safeguard neighbouring amenity, and to comply with Policy 33 of the Horsham District Planning Framework (2015).

- 3 **Pre-Commencement Condition:** Notwithstanding previously submitted plans, and prior to the installation of the items listed below shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission hereby permitted:
 - Strategy for vehicular access (construction phase)
 - Strategy for service deliveries during the operation of the event
 - Detailed design of proposed fencing (including any screening treatment)
 - Detailed design of the pathway surfacing for pedestrian access into the marquee

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

- 4 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the submitted plans and applications.

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

- 5 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 10:00 and 21:00 Monday to Sunday, and shall not operate on Christmas Day.

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

- 6 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with

the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

- 7 **Land Reinstatement Condition:** Within one month of the implementation of this permission hereby granted, details of the proposed works (including time scales) for the reinstatement of the land and existing access paths shall be submitted in writing to the Local Planning Authority for its written consideration. The proposed reinstatement works shall be implemented as approved

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

Informatives

If any works to the trees surrounding the site are required in order to undertake development, the applicant is advised to directly consult with the HDC Parks and Countryside Manager, Evan Giles, who can be contacted on: **01403 215 053**.

Background Papers: DC/17/1689