Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0093
Pennthorpe School, Church Street, Rudgwick, West Sussex, RH12 3HJ

DESCRIPTION:
Application for Approval of Details Reserved by Conditions 6, 7 and 8 to approved application DC/19/2573

RELEVANT PLANNING HISTORY:

DC/19/2573	Removal of 2no. existing tennis courts and creation of an all-weather sports (AWS) pitch.	Application Permitted on 03.08.2020.

PLANNING ASSESSMENT
Planning Application DC/19/2573 was granted consent on DC/19/2573. This permission was for the following:

Removal of 2no. existing tennis courts and creation of an all-weather sports (AWS) pitch.

Consent is sought to discharge the details reserved by conditions 6,7, and 8.

Condition 6:

Pre-occupation Condition*: Notwithstanding previously submitted information, prior to the first occupation/use of the new building hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:*

- *Details of all existing trees and planting to be retained*
- *Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details*
- *Details of all hard surfacing materials and finishes*
- *Details of all boundary/perimeter treatments including fencing*
- *Details of any external lighting*
- *Section/plan drawings of existing and proposed land levels to include details of any proposed retaining walls or banking required*

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation/use of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped, or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and countryside character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Following verbal discussions with the Council's Landscape Architects in regard to the level of information submitted in respect of discharge of Condition 6, it was advised that as with the recently refused application under planning ref: DC/24/0232, further landscape mitigation is required in the form of tree planting. The Council's Landscpe Architect (under DC/24/0232) has previously requested that in addition to the proposed whips, that the planting of 5 native, select standard trees (with a minimum girth size of 10-12cm) as appropriate replacement for the area.

Dense woodland was lost during construction of the MUGA (as approved under DC/19/2573) and without the addition of the trees as requested, the landscape details remain unacceptable in their current form. The Applicant is advised to amend the landscape proposals and to resubmit a discharge of conditions application for further consideration.

The requirements of the condition have not been satisfied.

Condition 7:

***Pre-occupation Condition**: Use of the development shall not commence until a community use agreement has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the AGP and include details of pricing policy, hours of use, access by non-[educational establishment] users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.*

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy 33 and 43 of the Horsham District Planning Framework (2015).

The Applicants have submitted a Community Use Agreement (CUA), Sports England has been consulted and they have reviewed the submitted document. Further to this, it has been advised that additional details need to be included within the community use agreement, as required by the details set out within condition 7, in order that the agreement fully addresses the requirements of the condition.

In its present form. it is evident that elements of Sport England's model template have been used to form the community use agreement, however, parts have been removed including those parts relating to the Local Council being able to review and influence the use; as well as details of availability and pricing of the facility so as to achieve its sports development objectives. It is also advised that details are also required in regard to access to parking and toilet facilities; how the facility will be marketed, including hire rates, and booking arrangements; comparison rates and the plan referred to within the draft CUA need to be attached for consideration. The Applicant is advised to amend the Community Use Agreement as advised and to resubmit a discharge of conditions application for further consideration.

In its current form, the proposed Community Use Agreement is not considered to be satisfy the requirements of Condition 7.

The requirements of the condition have not been satisfied.

Condition 8:

***Pre-occupation Condition**: The use hereby permitted shall not commence until an operational management plan has been submitted and approved in writing by the local planning authority. This should include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from site and demonstrating how users of the facility will be prevented*

from causing nuisance for people in the area. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and in the interests of the amenities of the neighbouring properties, in accordance with Policy 33 and 43 of the Horsham District Planning Framework (2015).

The Applicants have submitted a MUGA Operational Management Plan. The Council's Environmental Health Department have been consulted and they advised that the details were broadly considered to be acceptable, subject to the inclusion of some further information including the telephone numbers for the Estates Team; a copy of the lettings document and confirmation that the Estates Team will keep a record of those that hire the MUGA so that any problem users can be identified.

A revised MUGA Operational Management Plan (received 19/09/2024) has now been submitted and includes the information requested. On this basis the information submitted is considered to address the requirements of Condition 8.

The requirements of the condition have been satisfied.

Recommendation: SPLIT Decision

Consent is hereby GRANTED pursuant to Condition 8.

Consent is hereby REFUSED pursuant to conditions 6 and 7 for the following reason:

1. It has not been demonstrated to the satisfaction of the Local Planning Authority the landscape details submitted in relation to condition 6 (Landscpe details) for the retrospective works would adequately mitigate visual harm caused by the retrospective removal of the woodland. The development, therefore, is in conflict with the provisions of Policy 33 of the Horsham District Planning Framework (2015) and Paragraph 180(b) of the National Planning Policy Framework (2023).

2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the details submitted pursuant to the requirements of Condition 7 include the details required by Condition 7 as the Community Use Agreement (undated) does not provide the necessary level of detail required. The submitted details therefore fail to satisfy the requirements of Policy 33 and 43 of the Horsham District Planning Framework (2015) in this regard.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DISC/24/0093
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	MUGA Operational Management Plan		19.09.2024

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date

Supporting Docs	Draft Agreement in relation to arrangements for community use of Multi Use Games Area (MUGA) at Pennthorpe		01.05.2024
Plans	Proposed Planting Plan	02-897-125	01.05.2024
Plans	Proposed Hard Landscaping	02-897-200	01.05.2024
Plans	SECTIONS A & B Illustrating: Existing and Proposed Levels	02-897-300	01.05.2024
Supporting Docs	Covering letter form enplan		01.05.2024

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 19/09/2024

Authorising Officer sign/initial RHERMITAGE Date: 20.09.2024