Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/23/1677
Jubilee Fields Recreation Ground , Newbridge Road, Billingshurst, West Sussex, RH14 9HZ

DESCRIPTION:

Creation of a wheeled sports facility

RELEVANT PLANNING HISTORY:

DC/10/1453	Erection of a skate park on Jubilee Fields	Application Permitted on 25.11.2010
DC/11/1040	Non-material amendment to previously approved application DC/10/1453 (Erection of a skate park on Jubilee Fields) to include alterations to layout	Application Permitted on 22.06.2011

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

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 11 - Tourism and Cultural Facilities
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
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 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 4.3 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Neighbourhood Plan:
Billingshurst Parish Neighbourhood Plan
Policy Bill 1 - Billingshurst Built-Up Area Boundary
Policy Bill 4 – Provision of Leisure and Recreation Facilities

Parish Design Statement:
Billngshurst Parish Design Statement

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

INTERNAL CONSULTATIONS

HDC Environmental Health: No Objection

proposal to use a steel support frame is a concern. Failure to isolate the skate ramps from the steel support frame has led to numerous complaints regarding impact noise at West Chiltington skatepark, particularly when adults use the skate park.

Although the site at Jubilee Field is separated from the nearest residential accommodation by the A29, it is important to note the impact noise generated from tricks and stunts by skate park users is significantly different in character to broadband noise typical of free flowing traffic.

To reduce the risk of noise impacts the height of the ramps could be reduced but this likely to also reduce the appeal of the skatepark. An alternative approach would be to ensure the skate ramps are secured to the support frame using appropriately specified resilient fixings. This could be secured through condition subject to the provisions of the additional information sought as above. A condition requiring a management plan may also be appropriate.

OUTSIDE AGENCIES

WSCC Highways: Advice

The site is located off Newbridge Road, an A-classified road subject to national speed limit. The applicant proposes a new skate park, which is a replacement of a pre-existing skate park that has since been removed in 2021. Whilst slightly larger than the pre-existing skate park, the Local Highways Authority (LHA) does not anticipate that the proposals would give rise to a significant material intensification of movements to or from the site.

The site is served by an existing vehicular access point on Newbridge Road, and a pedestrian access via the footbridge over the A29. Existing parking arrangements will be retained and are considered suitable for the proposed use.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network, therefore

is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Natural England (Standing Advice): Objection

It cannot be concluded that existing 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. Developments within Sussex North must therefore must not 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.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

Parish Comments:

No Comment

Representations:

1 letter of support received

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

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.

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.

PLANNING ASSESSMENT

Principle of Development:

Policy 43 of the Horsham District Planning Framework (HDPF) states that the provision of new or improved community facilities and services will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study and other relevant studies, or contribute to the provision of Green Infrastructure.

Policy Bill 4 of the Billingshurst Parish Neighbourhood Plan states that development proposals that improve the quality of existing play areas, provide additional play areas to serves the needs of children of all ages, modernise facilities at Jubilee Fields, and provide additional and improve youth facilities, including skate parks, will be supported.

In addition, Policy 11 of the HDPF states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District. Support will particularly be given to proposals which, among others, reinforce the local distinctiveness and improve existing facilities; focus major tourism and cultural facilities in Horsham Town Centre; and seek to ensure that facilities are

available within the towns and villages in the District and are in keeping with their relationship with the urban area and countryside.

Policy 42 of the HDPF outlines that positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs will be encouraged and supported.

The proposed skate park would contribute to the recreational opportunities offered at Jubilee Fields, and would provide a community facility and recreational space for a diverse range of people. The proposal would therefore result in social and economic benefits. The proposal would contribute to the range and quality of attractions within Billingshurst and the District.

For these reasons, the proposed development is considered acceptable in principle, subject to all other materials considerations.

Design and Appearance:

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. In addition, Policies 32 and 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 and the historic landscape in which they sit. Development should ensure that the scale, massing and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site.

The proposed site comprises an area formerly laid to tarmac which has since become overgrown and unmaintained. The proposal would clear the land, with the provision of hard surfacing and the installation of several ramps and structures extending to a maximum height of 4.6m.

The skate park would be read in the context of the existing facilities within Jubilee Fields, which includes a play park and exercise obstacles. The proposed development would not appear out of character within this context, with the banked and screened nature of the wider site limiting wider visual impact.

For these reasons, the proposed development is considered to relate sympathetically with existing facilities within the recreation ground, and is not considered to result in adverse visual and landscape harm in this context.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contributes a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Comments by the Council's Environmental Team queried the materials proposed for the development, raising some concerns regarding potential noise impact. The Applicant provided further clarification on the material of the ramps, where it is noted that sound proofing techniques are applied.

Given the spatial context of the proposed site, which is set at a distance from residential properties and separated by the A29, it is not considered that the proposed development would result in adverse harm through noise or level of activity to justify a reason for refusal on amenity grounds.

It is acknowledged that the Environmental Health Officer has suggested conditions to ensure appropriate construction of the facility as well as a Noise Management Plan. However, given the above considerations, it is not considered that such conditions are reasonable or necessary.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of

water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

The site is within 12km of the Mens Special Area of Conservation (SAC) and lists Barbastelle bats as a qualifying feature. The nature of the development would not affect any use of the site by Barbastelle or Bechstein bats and there would be no impact on any key foraging or commuting routes. The development would not result in any land take from designated sites and there is no pathway for woodland management to be affected by the proposal. No external lighting is proposed. It is therefore anticipated that, without mitigation, there would be no likely significant effect to The Mens SAC and Erernoe Common SAC. It is however considered reasonable and necessary to impose a condition restricting external lighting.

Conclusions:

The proposed development would improve the range and quality of attractions within Billinsghurst and the District, and would be of a form, design and appearance that would sit comfortably within the context of the recreation ground. The proposal is not considered to result in harm to the amenities of neighbouring properties or users of adjoining land, and would result in no significant impact on the Arun Valley SAC, SPA and Ramsar sites. For these reasons, the proposed development is considered to accord with all relevant local and national planning policies.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin 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 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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 approved plans, and as detailed in the email correspondence dated 23.10.2023 unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

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).

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: DC/23/1677
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Site plan		NONE	14.09.2023
Site plan		NONE	07.09.2023
Location plan		NONE	14.09.2023
Elevation & Floor plan		1 of 3 Rev 0	26.09.2023
Section plan		3 of 3 Rev 0	26.09.2023
Layout plan		2 of 3 Rev 0	26.09.2023
Supporting Statement	Email confirming materials	NONE	23.10.2023

DELEGATED

Case Officer sign/initial Tamara Dale Date: 20.11.2023

Authorising Officer sign/initial RHERMITAGE Date: 21.11.2023