Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1495
New Southwater Sports Club , Church Lane, Southwater, West Sussex, RH13 9BT

DESCRIPTION:
Erection of four 20m wide ball stop nets with poles to the four goal ends on the existing community football pitches at Southwater Sports Club.

RELEVANT PLANNING HISTORY:

DC/19/1719	Advertisement consent for the erection of 2No. non-illuminated post mounted signs to entrance	Application 17.10.2019	Permitted	on
DC/19/2315	Erection of a triple bay practice cricket net	Application 15.01.2020	Permitted	on
DC/23/0256	Erection of 1.8m high fencing around existing football pitches (Retrospective)	Application 29.09.2023	Permitted	on

DESCRIPTION OF THE SITE

New Southwater Sports Club is located to the west of Southwater, at the boundary between the countryside and a new residential development. To the north of the site lies College Farm a Grade II Listed Building.

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 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
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 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Neighbourhood Plan:

Southwater Neighbourhood Development Plan (2016-2031)
SNP1 – Core Principles
SNP7 – Formal/Informal Sports Area
SNP16 – Design

Parish Design Statement:
Southwater Parish Design Statement

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 2.9 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.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: Protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Policy 31: Rural Economic Development

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:
Southwater 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:

HDC Conservation: No Objection

The submitted Planning, Design and Access Statement is a little unclear as it seems to suggest that the closest listed buildings are 150-250 metres from the site. College Farm however adjoins the site and its main building is some 50 metres away.

College Farm is a 17th century former farmhouse, with timber weatherboarding and a plain clay tiled roof. The immediate setting of College Farm is a domestic garden, surrounded by a mature hedge and tree bank.

The former wider rural setting of College Farm has been diluted by modern development. The football pitches provide a degree of transition between the development to the east and the countryside to the west. Care therefore needs to be taken that the pitches themselves do not result in additional urbanisation of this sensitive transitional site.

It is noted that the proposed nets would be lowered between practice/games and at night and therefore this would in addition to the screening to the listed building, mitigate the level of harm to the setting of the listed building. No objection would therefore be raised.

Sport England: No Objection

No objection, subject to clarification that the proposed poles and netting will be set clearly behind the 3m safety run off area required from the pitch perimeter line.

HDC Landscape Architect: No Objection

Views of the proposals are available on these PRoWs, however they are experienced within the existing, context of the sports field and more recent fencing. It is deemed that these views are observed by receptors associated with the Sports Club or with the urban fringe. Therefore, while netting is an urbanising detractor that will further detract from the rural qualities of the area and experience of the users of the public right of way, it will be seen in the context of the existing Sports Club setting and adjacent housing estate. Therefore the further adverse effects experienced on the character and visual amenity of the area are not deemed significant.

Archelogy: No Objection

The site is within an Archaeological Notification Area DWS8545 Land to the West of Southwater but the proposed work does not involve extensive or deep ground disturbance and so as it is unlikely to impact buried archaeological remains we have no archaeological concerns in this case.

WSCC PROW: No Objection

It is understood that the application does not impact upon, or propose any alteration, to the Public Rights of Way. Therefore, the Public Right of Way team offer no objection to the proposal. If the applicant does now, or in future, propose any alteration to the public rights of way then they must first consult directly with West Sussex County Council, Public Rights of Way team (prow@westsussex.gov.uk).

Informatives are also recommended.

PUBLIC CONSULTATIONS:

Representations:

Three (3) letters for support have been received from three (3) addresses, supporting the application on the following grounds:

- Health and safety
- Design

Parish Comments:
No Objection

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 Community Facilities, Leisure and Recreation states that "*The provision of new or improved community facilities or 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.*" It also states "*In addition to supporting facilities or services located in accordance with the Development Hierarchy and Strategic Development locations, sites located outside built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists."*

The proposal supports the established recreational and leisure facilities and is considered to improve the safety of those using the right of way. For this reason, the proposal is considered to accord with the above policy and is considered acceptable in principle.

Landscape Impact, Design and Appearance:

Policies 32 and 33 promote development which is of high quality and design, and is sympathetic to the character of the dwelling and surroundings. Furthermore, policies 25 and 26 state that development outside of the designated built up area should be of a proportionate scale to the site, whilst protecting/conserving/enhancing the key landscape characteristics of the area.

Policy SNP16 of the Southwater Neighbourhood Plan states that all development must be of high quality design. This includes all development providing a good level of security to the building in terms of personal safety, crime prevention and increase community cohesion.

Four separate nets are proposed at 20m wide and 6m in height. The poles and netting will be set behind the 3m clear safety run off area required from the perimeter pitch line. While large in nature the nets would sit well within the context of the sports club and football pitch. The nets are to be lowered after practices and matches. A condition has been recommended to ensure the lowering process is acceptable and suitably mitigates any harm to the nearby Listed Buildings.

Overall the proposal is considered to be of an acceptable design and would not cause any significant harm to the character and appearance of the area or setting of the listed building. Informatives as suggested by the PROW Officer have been attached to the application.

Amenity Impact:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute 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.

It is considered that the siting and layout of the proposed dwelling and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

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 use of the site 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 186 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

The development is considered acceptable for the reasons outlined above and 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 **Pre-Installation Condition**: Prior to the installation of the netting (excluding the poles) details of the height the nets are to be lowered to, the management of their lowering after matches and practices, and use during the course of the year shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter then be carried out in full accordance with the agreed management plan unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and preservation of the setting of the listed College Farm and in accordance with Policy 33 and 34 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before

works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

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/24/1495

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Block plan	Elevations	SWFC-NET-03	27.09.2024
Location plan		SWFC-PRE-04	04.10.2024

DELEGATED

Case Officer sign/initial Alice Johnson Date: 19/11/2024

Authorising Officer sign/initial RHERMITAGE Date: 27.11.2024