



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0227
Horsham Park, Horsham, West Sussex,

DESCRIPTION:

Erection of a memorial statue.

RELEVANT PLANNING HISTORY:

No relevant planning history

DESCRIPTION OF THE SITE

The application site forms part of Horsham Park, located towards the east, near North Street car park. The site is located within the built-up area of Horsham and provides a recreational space for the community. There are some listed buildings in the area, but these are approximately 48m and 71m away from the site and are screened by vegetation and planting in the park.

DESCRIPTION OF THE APPLICATION

The application seeks to erect a memorial statue in Horsham Park. The statue is a piece of public artwork that has been designed in collaboration with the Shelley Memorial Project to celebrate the life and work of poet Percy Shelley.

The statue would be placed on a grassed area, where a number of footpaths converge, a section of hard surfacing is proposed surrounding the statue, this would be resin bonded aggregate, similar to that used within the sensory garden within the wider Horsham Park.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 11 - Tourism and Cultural Facilities
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 43 - Community Facilities, Leisure and Recreation

Horsham Blueprint Business Neighbourhood Plan (2019-2036):

Policy HB3: Character of Development
Policy HB4: Design of Development

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 1: Sustainable Development

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

Policy 28: Community Facilities, Leisure and Recreation

Strategic Policy 34: Tourism Facilities and Visitor Accommodation

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

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 Conservation: No Objection**

Percy Bysshe Shelley was born in Warnham, the son of a wealthy landowner who was later educated at Eton and Oxford University (before being expelled). His second wife was the famous author Mary Shelley who wrote the enduring classic Frankenstein. Shelley is known as one of the major English Romantic Poets, as well as within his lifetime having radical political and social views.

The proposed statue would be located within the historic setting of Horsham Park and would be framed by the trees and soft landscaping. It would be suggested that such a statue would not be unexpected within the setting of a country house, and no objection would be raised.

EXTERNAL CONSULTATIONS**Historic England: No Comment****PUBLIC CONSULTATIONS:****Representations:**

15 letters for Support have been received from 13 addresses, supporting the application on the following grounds:

- Design
- Unique accessible public artwork
- Celebrating heritage
- Create focal point of local pride and identity
- Appropriate position in the park
- Supporting community project

Neighbourhood Council Comments:

Denne Neighbourhood Council: Objection

Supports introduction of a memorial to Shelley and has no objections to the location of the statue.

Recognise the need to create easy access to the memorial over grass but strongly object to size of large hard surface "piazza" area.

Suggest the memorial is placed nearer to the confluence of the paths, so the grass triangle can be removed to enable easier maintenance and the hard surface be reduced in size.

Objects to the application in its current form and welcome amendments.

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 11 of the Horsham District Planning Framework (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 local 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 other things, reinforce the local distinctiveness and improve existing facilities; focuses major tourism and cultural facilities in Horsham Town Centre; and do not result in the loss of a cultural resource.

Policy HB7 of the Horsham Blueprint Business Neighbourhood Plan states that development proposals that have the potential to provide public realm improvements should consider and address those opportunities as part of their scheme. In particular, proposals should seek to: reinforce the concept of legible "character areas"/"quarters" with distinct identities, as described in the Town Centre vision; provide for pedestrian and cycle movement as a priority, including making provision for those with mobility requirements, making appropriate connections to existing footpaths, cycle paths and rights of way; provide safe spaces that are accessible; contribute to improve wayfinding and signage for the Town Centre, provided that they can be satisfactorily integrated within their surroundings; and enhance the character and appearance of the Town Centre, including through the use of planting and installation of public art, considering the heritage and history of the urban area. Policy HB7 continues that the provision of public art will be sought on the development of sites in the Town Centre.

The proposed development would provide a public art installation within Horsham Park. The proposal would be educational and contribute to the attraction to residents and visitors. The proposal is considered to be acceptable in principle, subject to all other material considerations.

Design and Appearance:

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

The proposal would measure to an overall height of 2.45m and would comprise 1.80m to the base and 0.65m on top. The base would be 2.25m. The proposal would be sited on a triangle of grassland, where a number of footpaths converge. The location would be within the triangle piece of grass, towards the apex, where an area of hardsurfacing would be laid to allow visitors to stand and view the statue.

The concerns of the Neighbourhood Council are acknowledged. However, it is considered that the proposed location of the statue and the surrounding hardstanding would be appropriate for the park. The hardstanding will be resin bonded aggregate, similar to that used within the wider Horsham Park and the sensory garden. While the proposed structure would be positioned in a relatively isolated location, there are examples of modest structures scattered around the park, with an installation like the one proposed not considered unusual in the context. The materials proposed would appropriately reflect the character of the immediate surroundings and are considered to reflect the context. The design and appearance of the proposal and the location are therefore considered appropriate within the setting of the park and acceptable, in accordance with the above policies.

Residential Amenity:

Policy 32 of the HDPF states that development should be of high quality and inclusive design and should provide an attractive, functional, accessible, safe, and adaptable environment. Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of occupiers/users of nearby properties and land.

Policy HB7 of the Horsham Blueprint Business Neighbourhood Plan states that development proposals that have the potential to provide public realm improvements should provide for pedestrian and cycle movement as a priority and should make appropriate connections to existing footpaths, cycle paths and rights of way.

The proposed development would be located towards the south-east of the park, close to the main road and North Street car park. The proposed statue would be situated on a grass area, where a number of pedestrian footpaths converge. It is considered that this is suitably placed, as it would not block views or pedestrian pathways. A statue within a public space such as this would also be expected and not uncommon.

The concerns of the Neighbourhood Council are noted, however it is considered that the positioning would not be inconvenient to park users, and no harmful impacts would arise from the location of the statue. It is therefore considered that the positioning is appropriate, allowing for users to stop and admire the statue, while not causing issues for other park users.

Heritage Impacts:

Policy 34 of the HDPF recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. Applications for development will be required to reinforce the special character of the District's historic environment through appropriate siting, scale, form, and design; including the use of traditional materials and techniques; make a positive contribution to the character and distinctiveness of the area; preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric, and materials; and retain and improve the setting of heritage assets, including views, public rights of way, trees and landscape features, including historic public realm features.

Horsham Park is an important open space within the town and forms part of the setting of Park House, which is designated as a Grade II* Listed Building. The proposed statue would be located within the historic setting of the park, framed by the trees and soft landscaping in the surroundings. HDC Conservation did not consider that the proposed statue would be unexpected within the setting of a country house and raised no objection to the proposal. It is therefore considered that the proposal would be in accordance with the above policy and would not result in harm to the park or the nearby Grade II listed building.

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 (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has submitted a Biodiversity Metric which demonstrates a 17.03 % net gain for habitat units, by way of onsite biodiversity gains. However, this is not so significant as to warrant a legal agreement for monitoring. The informative attached details that the proposed net gain shall be secured post-decision.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

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-Commencement Condition:** The development hereby permitted shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan and including:
- a) a non-technical summary;
 - b) the planned habitat creation and enhancement work to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan; and
 - c) the management measures to maintain habitat in accordance with the Biodiversity Gain Plan from the completion of development.

has been submitted to, and approved in writing by, the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Any proposed or retained planting, which within a period of 5 years after the completion of development, 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 the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 31 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 application form and approved plans.

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).

NOTE TO APPLICANT

Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link:

[Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain).

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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/26/0227

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received
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