

Planning and Rights of Way Committee

27 June 2023

Regulation 3 Planning Application

Creation of a 3G Artificial Grass Pitch (AGP) with perimeter fencing, floodlighting, macadam hardstanding area, storage container, timber acoustic barrier fence and macadam access pathway

The Forest School, Comptons Lane, Horsham, West Sussex, RH13 5NT

Application No: WSCC/047/21

Report by Head of Planning Services

Local Member: Councillor Jay Mercer

Electoral division: Horsham East

District: Horsham

Summary

This report relates to a planning application at the Forest School, Horsham, for the installation and operation of a new Multi-Use Games Area (MUGA), which would include a 3G Artificial Grass Pitch (AGP), to be located in the south-western corner of the school playing field. The MUGA would be used for physical education and as a playing area for sporting activities by students and is also intended to be available for wider community use for sports use. The facility would be floodlit and available for use seven days a week, with restricted hours of use at weekends, over bank holidays, and in the evenings during the summer months.

This report provides a description of the site and the proposed development and appraises it against the relevant local and national planning policy framework.

The main development plan policies relevant to this application are Policies 1, 2, 25, 1, 32, 33, 37, 38, 39, 40, 41, 42 and 43 of the Horsham District Planning Framework (November 2015) (HDPF) and Policies HB1, HB3, HB4, HB5, HB13 and HB14 of the Horsham Blueprint Business Neighbourhood Plan (2019–2036).

The following consultees have raised concerns about the proposed development: Horsham District Council Planning, Horsham District Council Environmental Health Officer (EHO), and the Local Member (Councillor Jay Mercer). Other consultees either raise no objection (in some cases, subject to conditions) or have no comments to make.

There have been 116 third party representations, 66 of which object to the proposal, 28 of which support the proposal, and 12 that provide comments rather than objection or support.

Consideration of Key Issues

The main material planning considerations in relation to the determination of the application are:

- need for the development;
- design and impact on character & visual amenity;
- impacts on residential amenity;
- impacts on highway capacity and road safety; and
- water neutrality.

Need for the Development

The proposed development would provide a significant improvement to the sporting facilities at the school and local area, offering a modern sporting facility capable of year-round use, for extended periods, and be made available for use by the local community. It would result in a significant educational, sporting and health benefit to both students and staff and the local community. Overall, it is considered that there is a demonstrable need for the proposal in accordance with Paragraph 93 of the NPPF and Policy 43 of the HDPF, which can be attributed great weight in the planning balance.

Design and Impact on Character and Visual Amenity

The MUGA has been designed to a standard required by external sporting bodies and, as a result, there are aspects of the proposal, most notably the floodlighting, that will appear as a visible feature in the local townscape. Subject to mitigation, including the provision of landscaping and additional planting to reduce the visual impact of the MUGA and particularly the floodlighting when viewed from immediate adjoining properties, it is not anticipated that the facility would give rise to any unacceptable impacts on the character of the locality when viewed in the context of the existing school within the wider built-up area. Overall, the proposed development is considered to accord with Policy 33 of the HDPF and the potential for adverse impacts on character and visual amenity can be attributed little weight in the planning balance.

Impact on Residential Amenity

National Planning Policy, the HDPF and Sport England seek to ensure that sporting facilities are made as widely and readily available as possible. However, while there is a need to ensure maximum sporting provision, it is still necessary to ensure adequate protection of residential amenity. The potential for light spill outside the site would be within acceptable levels and would not cause significant levels of illumination beyond the MUGA as proposed. Although there is some potential for the proposal to result in additional noise disturbance, this would be within identified acceptable average thresholds, consistent with similar existing external sports pitches, and would be mitigated through the provision of mitigation measures, including the implementation of a NMP. Overall, the potential for adverse impacts on residential amenity can be attributed moderate weight in the planning balance.

Impact on Highway Capacity and Road Safety

Although there would be an intensification of use of the highways network, it is not anticipated that the proposed development would have an unacceptable impact, subject to a suitable Construction Management Plan and other controls. Therefore, the proposal is considered to accord with local and national planning policy and the potential for adverse impacts on highways capacity and road safety can be attributed little weight in the planning balance.

Water Neutrality

Evidence has been submitted to demonstrate that the proposed mitigation measures, which can be secured by condition, are sufficient to ensure water neutrality. Therefore, the proposed development would not have an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar site. This has been confirmed through an Appropriate Assessment and the County Council can conditionally approve the development without prejudice to its duties under the Habitats Regulations. Overall, the proposed development accords with local and national planning policies that seek to ensure designated sites and species are safeguarded, and water neutrality is considered to be a neutral factor in the planning balance.

Overall Conclusion

It is proposed to construct a new MUGA and associated hard surfaced access at the Forest School, Horsham, for use by students and staff at the school, which will be made available for use by the local community outside of school hours. The MUGA is being brought forward to mitigate the future loss of an area of the school playing field that is likely to be required as part of proposed future development at the adjacent Queen Elizabeth II Silver Jubilee School. It would provide a significant improvement to the educational and sporting facilities at the school and for the local area and, while part of the school playing field would be lost to facilitate the development, the new MUGA would offer year-round sporting benefits to students, staff, and the local community.

The MUGA would be of an appropriate design to ensure compliance with the requirements of the relevant sporting bodies. Although the height of the proposed floodlights is such that their upper parts could appear as a prominent feature within the immediate area, it is not considered that they would be overbearing or at odds with the broadly urban setting. The development would be well-screened from public views in the most part and, where visible from neighbouring properties backing onto the school playing field, additional landscaping and planting is proposed to ensure the visual impact of the proposed physical structures of the development would be minimised. Overall, it is not considered that the proposed development would give rise to any unacceptable impact on the character or visual amenities of the locality.

The development has incorporated measures into its design to reduce the potential for adverse impacts on the amenity of nearby residents, including the provision of an acoustic fence along the eastern boundary, additional planting and bunding along the eastern and southern boundaries, and automated floodlighting. In addition, the applicant would ensure that the use of the pitch is operated in accordance with a Noise Management Plan and has reduced the proposed hours of use in response to concerns raised by local residents and the EHO, albeit not to the full extent subsequently recommended by the latter. Regardless, subject to the implementation of the above mitigation measures, the proposal would not result in an unacceptable impact on residential amenity.

Although the use of the MUGA by the local community would increase the number of road-users accessing the site outside of school hours, the current parking arrangement at the school and highway capacity are sufficient to accommodate this. Construction activities would be temporary in nature. As a result, the proposed development would not have an unacceptable impact in terms of highway capacity and road safety.

Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case to suggest determination other than in accordance with the statutory development plan. In favour of the proposal, the need for the development carries great weight. Against the scheme, the potential for adverse impacts on residential amenity carries moderate weight and the potential for adverse impacts on the character of the area and visual amenity, and highway capacity and road safety carry little weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh any disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

Recommendation

That planning permission be granted subject to the conditions and informatives set out at Appendix 1.

1. Introduction

1.1 This report relates to a planning application at the Forest School, Horsham, for the installation and operation of a new Multi-Use Games Area (MUGA), including a 3G Artificial Grass Pitch (AGP), to be located in the south-eastern corner of the school playing field. The MUGA would be used for physical education and as a playing area for sporting activities by students and would also be available for wider community use for sports. The facility would be floodlit and available for use seven days a week, with restricted hours of use at weekends, over bank holidays and in the evenings during the summer months. The pitch would occupy an area of 7,420m² and the total area of the development, including hard standing, fencing, landscaping, and the relocated cricket wicket would total 9,709m².

2. Site and Description

- 2.1 The Forest School is located on the eastern side of Comptons Lane, in a predominantly residential area on the eastern side of Horsham within the built-up area boundary (as defined within the Horsham District Planning Framework 2015) (see **Appendix 2 - Site Location Plan**).
- 2.2 The school site is split into two distinct areas: the northern half, including the school buildings, play areas and car parks; and the southern half, which contains the school playing field with a running track and cricket wicket. The School adjoins the Queen Elizabeth II Silver Jubilee School to the north-east.
- 2.3 The northern half of the school site is characterised by buildings of varying scale and design, including single-story flat-roofed and dual-pitched roofed outbuildings, with the main building comprising a flat-roofed, two-storey structure which, when viewed from the entrance to the site from Compton Lane

to the west, presents the primary façade of the school. The school car park occupies the space between the main school building and Comptons Lane.

- 2.4 The school has two existing hard-surfaced playing courts located to the east and south of the main school building. The former is enclosed and comprises three tennis courts, while the latter is used for netball and the delivery of physical education for school students. This netball court is located adjacent to the school playing field.
- 2.5 The school playing field is used by school students and staff and is also available for use by the local community. It is abutted by the rear boundary fences of residential properties on the eastern side of Comptons Lane, located 120m west of the application site, and properties along the northern side of St Leonard's Road to the south, which are located between 15m and 95m from the application site.
- 2.6 The southern boundary of the field comprises a row of mature oak, holly and ash trees, which infill the gap between the residential properties on St Leonard's Road. There are also five mature oak trees located along the eastern side of the main school playing field, to the north of rear boundaries of the adjoining residential properties on St Leonard's Road.
- 2.7 The application site is not located in or close to any area designated for landscape, heritage or ecological reasons. There are two nearby Grade II listed buildings on the southern side of St Leonard's Road, 50m and 150m from the application site (see **Appendix 2 - Site Location Plan**).
- 2.8 The closest Public Right of Way is located 100m beyond the southern school boundary (3771), which provides a through-way between Dickens Way and Ghyll Cress.
- 2.9 The application site lies entirely within Flood Zone 1 (with a 'Low Probability of Flooding' – i.e. a less than 1 in 1,000 annual probability).
- 2.10 The application site is also located within the Sussex North Water Supply Zone.

3. Relevant Planning History

- 3.1 The recent planning history of the school comprises the following planning permissions.
 - DC/1016/05 (HU) – Erection of a new business enterprise and vocational education centre. New engineering room extension for special school status (approved 16/09/2005).
 - DC/1316/06 (HU) - Erection of a wind turbine (approved 11/09/2006).
 - WSCC/017/18/HU – Construction of new science lab and food technology room together with extension of existing dining hall and relocation of existing canopy structure (approved 08/05/2018).
 - WSCC/022/21 - Installation of new 3m wide path along southern perimeter of the main school building with access gate onto Comptons Lane (approved 19/07/2021).
 - WSCC/041/21 - To re-surface a temporary car park to make a permanent car park and install associated drainage infrastructure (approved 28/09/2022).

4. The Proposal

- 4.1 Planning permission is sought for the construction of a new MUGA on the south-eastern side of the main school playing field, for use by students and staff of the school and would be made available outside school hours for use by the local community (see **Appendix 3 – Proposed Layout and Landscaping**). The works associated with the proposal include; the delivery of an access path to the MUGA, the relocation of the cricket wicket within the school playing field, acoustic fencing along the eastern side of the MUGA, areas of landscaping and bunding along the eastern and southern sides of the MUGA, and the upgrading of water fittings within the school building to offset the increase in water use that would result from the additional users of the school's facilities.
- 4.2 The proposal is brought forward to facilitate the future proposed expansion of the neighboring Queen Elizabeth II Silver Jubilee School, which it is anticipated will result in the loss of part of the Forest School's playing field. The proposed MUGA would offset this loss by providing an alternative, all-weather facility.

Design Features

- 4.3 The proposed MUGA would comprise a 3G artificial grass pitch (measuring 106m x 70m) to accommodate a marked-out football pitch or rugby pitch with 3m safety run-off margins, which would also be subdivided into three smaller marked out cross pitches. The edges of the pitch would accommodate goal storage areas on a porous macadam hard standing (one 10m x 3m area at its northern and southern ends and three 7.5m x 2m areas along eastern and western sides), a spectator area (4m wide), a maintenance storage container (6.08m x 2.44m x 2.60m) along the western side, and team shelters along the eastern side.
- 4.4 The MUGA would be enclosed by a green 4.5m high metal fence and would be accessed via 3m wide double-leaf gates at its north-western corner. The spectator area would be separated from the playing pitch by a 1.2m high green metal fence, which would extend to 2m in height along the length of the goal storage areas. Single and double-leaf gates within the 1.2m high fencing would provide access onto the pitch along the western side. The internal base of all fences would be constructed with 0.2m high timber panels, which would extend to 0.4m high around the base of the 4.5m perimeter fence (see **Appendix 4 – Proposed Elevations**).
- 4.5 The artificial turf playing pitch would be porous by design with a permeable sub-base layer and piped drainage system. The design of the drainage is intended to allow the discharge of surface water at greenfield equivalent rates.
- 4.6 The MUGA would be accessed via a 3m wide porous macadam pathway that would connect to the southeastern corner of the recently approved path and access (Ref. WSCC/022/21). This pathway would be bounded by a 0.9m high timber rail fence and the entrance to the pitch would be illuminated by two 5m tall column lights.
- 4.7 The MUGA would be illuminated by eight 15m tall floodlights, with four located at equidistant intervals along its western and eastern sides. They would be angled to ensure that light spillage outside of the pitch is kept to a minimum. They would be controlled automatically and would only be operational during the permitted times of use of the pitch.

- 4.8 The proposal also includes the delivery of a 105m long and 3.3m high acoustic timber fence (measured from pitch level) along the eastern side of the MUGA, with a 2m high beech hedgerow proposed immediately adjacent to the eastern side of the acoustic fence (see **Appendix 5 – Proposed Landscaping Sections**).
- 4.9 The area of the MUGA would be levelled using cut and fill to ensure a flat playing surface for the pitch and the ground level would be raised by approximately 1.2m at the southeastern end of the development as a result. Any excess topsoil would be used in the adjacent landscaping areas.
- 4.10 A landscaping area is proposed at the south-eastern corner of the MUGA, along the eastern boundary with the closest adjoining residential properties on St Leonard’s Road. This area would be enclosed by a 1.8m high weldmesh fence and gated access to prevent pupil access but to allow for maintenance of the landscaped area. This fence would extend from the acoustic fence to the boundary of the adjoining residential property.
- 4.11 The ground level within the landscaping area would be raised to be consistent with the pitch level and a small bund would be introduced along the eastern side of the acoustic fence and hedgerow, which would raise the ground level by roughly 0.7m above the height of the adjacent pitch level. This bund would be planted with wildflowers and a mixture of small trees and shrubs (including acers and cherry trees) and the ground level would fall away toward the neighboring property which would be located some 17.3m to the east of the acoustic fence.
- 4.12 There would also be an additional landscaping area to the south of the MUGA, with topsoil from the excavations of the MUGA used to increase the ground level and provide a 3:1 gradient slope (see **Appendix 6 – Proposed Sections**). A 3m tall bund would be erected on the southwestern side of this area using topsoil from the cut and fill. A mixture of wildflowers, trees and shrubs would be planted in this area. There would also be additional planting between the line of the Oak trees on the eastern side of the main school playing field.

Users and Hours of Use

- 4.13 The MUGA would be used on weekdays by school students and staff during school hours up until 5pm. After this, the pitch would be rented out to community groups for sporting activities. The school roll currently comprises 1,020 students and 102 staff members. At present, the School also allows the use of its facilities, including the playing field, by other users outside of school hours on weekday evenings and at weekends, for educational and sporting activities.
- 4.14 Visitors to the MUGA would be able to make use of the existing school car parking, which comprises 150 spaces. The application states that the worst-case scenario would be 38 trips (76 movements) if/when all three smaller pitches are in use simultaneously.
- 4.15 The application originally proposed the use of the MUGA and lighting from 09:00 to 22:00, seven days a week, with the MUGA only available for community use after 17:00 hours on weekdays. Following post-consultation discussions, the applicant proposed the following reduced hours in order to

minimise any potential amenity impacts on the occupiers of the neighbouring residential properties:

- 09:00 to 21:00 from Monday to Saturday; and.
- 10:00 to 16:00 on Sundays.

4.16 As a result of further discussions, the applicant proposed the following reduced hours of use, which have been assessed for the purposes of this report; again, the MUGA would only be available for community use after 17:00 hours on weekdays:

- 09:00 to 21:00 from Monday to Friday (year-round);
- 09:00 to 18:00 on Saturday (May-September);
- 09:00 to 19:00 on Saturday (October-April); and
- 10:00 to 16:00 on Sundays and Bank Holidays (year-round).

5. Environmental Impact Assessment (EIA) and Habitat Regulations Assessment (HRA)

Environmental Impact Assessment

5.1 The need for EIA has been considered in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). The development does not fall within either Schedule 1 or 2 of the EIA Regulations and is not considered likely to have the potential for significant environmental effects within the meaning of the Regulations. Therefore, EIA is not required.

Habitat Regulations Assessment (HRA)

5.2 Under The Conservation of Habitats and Species Regulations 2017 (as amended), all planning applications that potentially affect the protected features of a designated European Site require consideration of whether the plan or project is likely to have significant effects on that site.

5.3 The application site falls within the Sussex North Water Supply Zone, which draws its water supply from groundwater abstraction in the Arun Valley. Natural England has issued a Position Statement which states that it cannot be concluded with the required degree of certainty that any new development that would increase the use of the public water supply in this zone, would not contribute to an adverse effect on the integrity of the Arun Valley, a Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.

5.4 Habitat Regulations Assessment (HRA) screening has been undertaken, which concludes that, without mitigation in place, the proposal will have a 'likely significant effect' on the designated features of the Arun Valley site, either alone or in combination with other plans and projects. Therefore, an Appropriate Assessment (AA) under the Regulations has been undertaken.

5.5 The AA concludes that subject to the provision of the mitigation measures proposed within the Water Neutrality Statement, the development would achieve water neutrality, and therefore would avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar sites. Therefore, conditional approval of the project is possible without prejudice to the duties as required by the Regulations.

6. Policy

Statutory Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework - NPPF). For the purposes of the application, the following documents form the statutory development plan: Horsham District Planning Framework (2015) and the Horsham Blueprint Business Neighbourhood Plan (2019-2036).
- 6.2 The key policies in the development plan, which are material to the determination of the application, are summarised below. In addition, reference is made to relevant emerging policy and guidance, national planning policy and supplementary planning documents which guides the decision-making process and is material to the determination of the application.

Horsham District Planning Framework (November 2015) (HDPF)

- 6.3 The key policies in the Local Plan are: Policy 1 -Sustainable Development, Policy 2 - Strategic Development, Policy 25 - The Natural Environment and Landscape Character, Policy 31- Green Infrastructure and Biodiversity, Policy 32 -Quality of Development, Policy 33 - Development Principles, Policy 37 -Sustainable Design and Construction, Policy 38 -Flooding, Policy 39 -Infrastructure Provision, Policy 40 - Sustainable Transport, Policy 41 – Parking, Policy 42 - Inclusive Communities, and Policy 43 - Community Facilities, Leisure and Recreation.

Horsham Blueprint Business Neighbourhood Plan (2019-2036) (HBBNP)

- 6.4 The key policies in the Neighbourhood Plan are: Policy HB1 - Location of Development; Policy HB3 - Character of Development; Policy HB4 - Design of Development; Policy HB5 - Energy Efficiency and Design; Policy HB13 - Provision of Sport, Leisure and Recreational Facilities; and Policy HB14 - Community and Cultural Facilities.

National Planning Policy Framework (2021) ('NPPF')

- 6.5 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF does not form part of the development plan but is a material consideration in determining planning applications.
- 6.6 The key paragraphs of the NPPF relevant to the proposed development are: 11 (presumption in favour of sustainable development); 17 (The plan-making framework); 32 (Preparing and reviewing plans); 38 (Positive decision making); 47 (Determining applications in accordance with the development plan); 55-58 (Planning conditions and obligations); 92 (Healthy, inclusive and safe spaces); 93 (Provide social, recreational and cultural facilities); 95 (Development in support of school places); 98 (Open space and recreation); 99 (Development on existing playing fields); 100 (Protect and enhance public rights of way); 110-113 (Transport and considering development proposals); 120 (Making effective use of land); 128 - 132 (Aspects of design quality and well-designed places);

179 - 182 (Habitats and Biodiversity); and 185 (Development appropriate to location).

DCGL Policy Statement - Planning for schools development (2011)

- 6.7 This national Policy Statement on school development does not form part of the development plan but helps guide decision-makers and should be read alongside the National Planning Policy Framework. In general terms, it seeks to allow schools to expand, adapt and improve their facilities, stating "*Local authorities should give full weight and thorough consideration to the importance of enabling the development of state-funded school in their planning decisions*" and "*Local authorities should make full use of their planning powers to support state-funded schools applications.*"

7. Consultations

- 7.1 **Horsham District Council Planning:** Advise that there is potential for amenity impacts on the occupants of neighbouring residential properties as a result of noise, especially during summer evenings, and that it is not clear whether the assessment fully captures the magnitude of change in the noise climate represented by the application (including unpredictable noise events) or that the proposed hours of use represent a fair balance between the use of the facility and amenity of local residents. However, they also suggest that this could be addressed by limiting evening and weekend use between May and September. They recommend inclusion of a pre-commencement condition to secure the details of the lighting scheme and verification of positioning and alignment of the lighting when installed.
- 7.2 **Horsham District Council Environmental Health:** Initially raised concerns about the potential amenity impacts upon neighbouring residents as a result of noise and light. They were concerned about the adoption of an average noise level approach (which has been used), as it does not sufficiently characterise the significant impacts on the amenity of adjoining residents. They initially recommended that, if WSCC is minded to approve the application, to allow some respite for residents from the impacts of the use of the MUGA, especially during summer periods (weekdays and weekends), that the hours of use are reduced. As a result, the applicant proposed a reduced hours schedule (as set out in paragraph 4.16). Despite this, the EHO has maintained their original concerns and suggest that late night use is limited to two weekday evenings during summer months (Monday–Wednesday 09:00 to 18:00 hours and Thursday–Friday 09:00 to 21:00 hours) and that Saturday use of the facility is restricted to finish at 18:00 hours during summer months, and would maintain objection if these hours were not implemented.
- 7.3 **Horsham Forest Neighborhood Council:** Raises concern with regard to the following matters: proximity of development on neighbours and the potential impact upon nearby neighbouring amenity; operational hours and the potential increased noise generation from the use of the pitch during evenings, weekends and bank holidays; location of construction access making children's access onto playing field problematic; parking capacity matters and increase in traffic during match days; clarification around facilities use of external users of the pitch, and; visual disturbance on neighbouring amenity from floodlighting during evening use.

- 7.4 **Local Member (Councilor Jay Mercer):** Objection. Raises concerns voiced by local residents, but also notes the desirability of the all-weather pitch as a resource for the local community. Points of concern include: the position of the pitch within the school playing field and its location adjacent to neighbouring properties; the hours of use, which should be limited to 8pm during weekdays; concerns relating to noise levels as identified by the District Council; potential for overspill of lighting, which would be detrimental to the night sky; and the impact on water neutrality.
- 7.5 **Sport England:** Initially raised no objection, subject to the inclusion of conditions to ensure the proposal would meet exemption criteria 5 of the Playing Fields Policy (Planning for Sport Guidance June 2019). Suggested conditions include: that the non-turf cricket pitch (NTP) be constructed in accordance with England Cricket Board (ECB) guidelines; that the use of the development not commence until certification that the Artificial Grass Pitch (AGP) hereby permitted has met FIFA Quality Concept for Football Turf and been registered on the Football Association's Register of Football Turf Pitches; a Management and Maintenance Scheme for the facility is submitted to and approved by the LPA prior to first use of the MUGA and Cricket NTP; that the use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority; a condition to restrict use of the pitch and its lighting outside the hours of 08:00 and 22:00, 7 days per week to maximize use, and; a condition to restrict use of the MUGA concurrently with the cricket NTP unless ball strike protection netting has been installed permanently.
- 7.6 Sport England have been reconsulted following the District Council Environmental Health Officer's (EHO) recommendation that the hours of use be further reduced in the interest of public amenity (see paragraph 7.2). Sport England have confirmed that they would not support the further reduction in hours for community use as the limitations would be excessive and restrict the benefits of the proposal in terms of participation, health and wellbeing, as well as the economic viability and sustainability of the proposal.
- 7.7 Sport England's comments also address concerns raised by local residents in relation to the potential for infill material to be lost from the site to the surrounding area and recommend that a condition be imposed to secure kickboards and brushoff zones within the development as appropriate.
- 7.8 **Natural England:** No comment in relation to the application in principle. No objection with regard to Water Neutrality following submission of revised Water Neutrality Statement.
- 7.9 **WSCC Flooding/Drainage:** No objection subject to the inclusion of a condition to secure a Drainage Verification Report prior to first use of the pitch.
- 7.10 **WSCC Ecology:** No objection, subject to adhering to the proposed mitigation to limit light spill and the creation of the wild-flower grassland.
- 7.11 **WSCC Highways:** No objection. Raise no concern with regard to parking capacity, access or trip generation. Do not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. They recommend a condition to secure a Construction Management Plan (CMP), including details relating to

the temporary construction access and visibility splays, prior to the commencement of development. They also recommend an informative to advise that the applicant should enter into a Section 59 agreement under the Highways Act 1980, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic.

7.12 **WSSC Public Rights of Way:** No objection.

7.13 **WSSC Tree Officer:** No objection, subject to adherence to the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). They identify that there are discrepancies of the fencing details set out in the TPP and Construction Access Plan, and that there is lack of detail about the watering, weeding and maintenance of new trees, shrubs, and hedging.

8. Representations

8.1 The application was publicised in accordance with The Town and Country Planning (General Development Procedure) (England) Order 2015. This involved four site notices being erected at and around the application site, and individual notification of 60 properties within local proximity to the site. In response, 116 third party representations were received, 66 of which (from 44 people) object to the proposal, 28 of which (from 14 people) support the proposal, and 12 that provide comments rather than objection or support.

8.2 The main material issues raised in the objections are as follows:

- The development is located too close to neighbouring properties and is not suitably located within the Built-Up Area Boundary;
- Light pollution would harm residential amenity and spoil the dark night sky;
- Noise pollution will stop people from being able to enjoy their gardens;
- Additional traffic and parking along Comptons Lane;
- Impact on property value;
- Land raising will make the MUGA appear overbearing when viewed from neighbouring properties;
- Development is too large and not suitable for the land. Will appear visually intrusive;
- Development would present opportunities for overlooking, which could compromise the privacy of local residents;
- Use of the pitch will have a negative impact upon local wildlife;
- Use of pitch would result in balls being kicked into neighbour's back gardens, which could lead to damage to property from impacts and users climbing over fences to retrieve;
- 15m tall floodlights would be over-imposing on nearby residents;
- Acoustic fencing would appear visually intrusive, even with planting, and would not stop sound from travelling south/west;
- Proposal does not appear to be economically viable;

- Already similar facilities in the local area, including the new facility at Broadbridge Heath, and the new North Horsham Sports Hub development would compete with the proposal;
- The proposal would spoil the views from nearby neighbouring properties;
- The submitted noise impact assessment does not include the nearest neighbouring residential property in its assessment;
- Infill material from the development would pollute the local environment;
- Use of the pitch will have impacts upon the mental health of local residents, and; and
- Increase in hardstanding could cause flooding related issues.

8.3 The main material issues raised in support are as follows:

- Year-round benefit to children and the wider community;
- Makes Horsham a more attractive place to live;
- Development would support and encourage physical and mental health of children and adults;
- There is a need for more artificial sport pitches for use during weeknights;
- The pitch would be well located for nearby users and the site already has good parking availability;
- Financial and promotional benefits for Forest School, and;
- Facility would help meet demand resulting from Horsham's population growth.

8.4 The main material issues raised as comments are as follows:

- Note that the majority of supporters for the application do not live anywhere near the application site;
- Mention the application process and note that the application should have been withdrawn and resubmitted; and
- Question the clarity of the submitted hours of use

9. Consideration of Key Issues

9.1 The main material planning considerations in relation to the determination of the application are:

- need for the development;
- design and impact on character & visual amenity;
- impacts on residential amenity;
- impacts on highway capacity and road safety; and
- water neutrality.

Need for the Development

9.2 Paragraph 95 of the NPPF states that *"it is important that a sufficient choice of school places is available to meet the needs of existing and new communities" and that "local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement" and "give great weight to*

the need to create, expand or alter schools". Furthermore, the DCLG Policy Statement – Planning for schools development (2011) directs local authorities to "give full weight and thorough consideration to the importance of enabling the development of state-funded school in their planning decisions".

- 9.3 The proposed MUGA would provide a modern, high quality sporting facility, that is useable all-year round and would allow for evening use. This would be of significant benefit to the students and staff at the Forest School, furthering their physical education/development as required by the School's obligation to deliver the national curriculum. It would also be made available for use by the local community outside of school hours, with a Community Use Agreement proposed to ensure community sporting benefits are secured. The proposal would support healthy lifestyles of its users (as required by Paragraph 92 (8) of the NPPF).
- 9.4 Policy 43 of the HDPF relates to the provision of new or improved community facilities or services noting they *"will be supported, particularly where they meet the identified needs of local communities as indicated in the current Sport, Open Space and Recreation Study"*. This study, published in 2014, identifies the need for the District to deliver at least five 3G artificial grass pitches. Since publication of the study, pitches have been approved at Steyning (Shooting Ground), Southwater (Horsham Golf and Fitness), Billingshurst (replacement pitch at the Weald School), and Christs Hospital School. It is anticipated that 3G pitches will also be delivered as part of the Sports Hub at the North Horsham Development.
- 9.5 Although it is evident that progress has been made in upgrading the sporting facilities within the District, when considered on its own merits, the proposal clearly demonstrates sporting benefits for both the school and the wider community, which would more than offset the loss of the existing playing field. This is recognised by Sport England, who note in their comments that *"the sports facility proposed extends the hours available for community use and this is seen as a significant benefit"*.
- 9.6 In addition, it is of relevance that the proposal is brought forward to facilitate a future proposed expansion of the neighbouring Queen Elizabeth II Silver Jubilee School. This expansion is likely to include a new teaching block and supporting infrastructure to meet the County Council's duties to provide places for children, including those with Special Educational Needs and Disability (SEND). Due to space limitations at the Queen Elizabeth II Silver Jubilee School, it is anticipated that the proposed future expansion at the school will result in the loss of some playing fields to the east of the Forest School. There is no weight at this stage that can be attributed to the future expansion at the Queen Elizabeth II Silver Jubilee School, as this would be subject to a further future planning application. Nevertheless, it provides the context for the reasoning as to why the current application has been brought forward.
- 9.7 The proposed development seeks to ensure that suitable alternative sporting provision is available at the Forest School to mitigate the anticipated future loss of playing fields. Although the proposed MUGA would facilitate the future expansion of the neighbouring school, it is material that the proposed development is essential to maintaining the current educational and community sporting provisions at the school and to ensuring revenue income for ongoing maintenance of the facility in the future.

Conclusion

- 9.8 The proposed development would provide a significant improvement to the sporting facilities at the school and local area, offering a modern sporting facility capable of year-round use, for extended periods, and be made available for use by the local community. It would result in a significant educational, sporting and health benefit to both students and staff and the local community. Overall, it is considered that there is a demonstrable need for the proposal in accordance with Paragraph 93 of the NPPF and Policy 43 of the HDPF, which can be attributed great weight in the planning balance.

Design and Impact on Character and Visual Amenity

- 9.9 The Forest School is located in a residential area with a number of residential properties located in close proximity to the boundaries of the site. As a result, there is the potential for the development to have an adverse impact on the character of the area and visual amenity of local residents.
- 9.10 Policy 33 of the HDPF outlines the design principles required by developments in order to be supported. These include the requirement for proposals to make efficient use of land, respect the character and natural landscape of the local area, use high quality materials and landscaping schemes in their design, and ensure that developments are suitably designed to the local area with regard to their scale, massing and appearance.
- 9.11 The proposed development would provide a relocated Cricket Wicket (the NTP) and a modern, full sized football pitch (which would be suitable for other sports and games) with external fencing that has been designed to meet the technical requirements and performance quality standards by external bodies, including the Football Association (FA), the Federation Internationale de Football Association (FIFA), and Sport England. These requirements must be complied with in order for the MUGA to be recognised by the associated sporting bodies and, therefore, have been a key factor in the design of the development.
- 9.12 With regard to the visual appearance of the MUGA, its external features, including the fencing, lighting and hardstanding, would be typical of those that would be expected in a full-sized outside sporting facility. The artificial grass pitch would be finished in green to ensure consistency with the characteristics of the adjoining playing field. It is not anticipated that the relocated cricket pitch would have any impacts upon the character or visual amenity of the surrounding area.
- 9.13 In terms of the siting of the proposed MUGA, given its primary use would be for the school, it requires a location within the school grounds. With regard to its siting within the school grounds, the applicant advises that it could not be accommodated anywhere else without an unacceptable loss of playing/sports pitches (which would likely result in an objection from Sport England) or require the removal of important landscape features. Further, its location is constrained by anticipated future land required for the future proposed expansion of the neighbouring Queen Elizabeth II Silver Jubilee School.
- 9.14 The area of the MUGA would be levelled through cut and fill to ensure a uniform playing area and its boundaries built up with excess topsoil to provide bunding, allow perimeter planting and to grade level of the pitch into the surrounding playing field. When considered in the context of the school buildings and

playing field, including the main two-storey school building, the MUGA would not appear as an overly dominant feature.

- 9.15 Other than the 15m tall floodlights, it is not anticipated that any part of the MUGA would be readily visible when viewed from public areas outside of the school boundary and, as a result, it is not anticipated that the proposal would have an adverse effect upon the character of the wider surrounding area. However, the MUGA and associated groundworks would be likely to be visible from some of the neighbouring residential properties whose boundaries back onto the school playing field to the east and west.
- 9.16 As a result, the design of the MUGA seeks to address and mitigate the visual impact on the adjacent properties through the provision of additional planting and landscaping around the southern and eastern site boundaries (see **Appendix 5 – Proposed Landscaping Sections**). The planting along the eastern boundary of the pitch would provide screening of the 4.5m high fencing and 3.3m high acoustic fence, which would be finished in green to further help reduce the visual impact of this aspect of the proposal. The application site benefits from tall, mature trees along its southern boundary, which would further reduce the visual impact of the proposed development when viewed from the south, beyond St Leonard's Road.
- 9.17 The MUGA would involve the installation of eight 15m high floodlights to enable its year-round use. The EHO and the Local County Councillor have expressed some concern about the potential impact of the floodlighting on the adjacent residential properties.
- 9.18 The upper parts of the floodlights would be visible from nearby residential properties backing onto the school playing fields, and also from some public areas in the immediate locality. Further, the floodlights will likely increase in prominence during hours of darkness when in use.
- 9.19 The application explains that the proposed height of the floodlights is required to ensure that sufficient illumination can be delivered on to the playing surface during evening/night-time use to ensure the safe operation of the pitch. Further, the height is required to ensure that light is directed downwards to prevent light-spill and glare when observed from beyond the pitch boundaries.
- 9.20 The floodlighting columns are of a slimline design and would be finished in grey to reduce their visual bulk against the sky. Taking this, and distance from neighboring properties into account, it is not considered that they would be significantly overbearing nor lead to any unacceptable impacts on the character of the locality or the visual amenity of neighbouring residents.

Conclusion

- 9.21 The MUGA has been designed to a standard required by external sporting bodies and, as a result, there are aspects of the proposal, most notably the floodlighting, that will appear as a visible feature in the local townscape. Subject to mitigation, including the provision of landscaping and additional planting to reduce the visual impact of the MUGA and particularly the floodlighting when viewed from immediate adjoining properties, it is not anticipated that the facility would give rise to any unacceptable impacts on the character of the locality when viewed in the context of the existing school within the wider built-up area. Overall, the proposed development is considered to

accord with Policy 33 of the HDPF and the potential for adverse impacts on character and visual amenity can be attributed little weight in the planning balance.

Impacts on Residential Amenity

- 9.22 Policy 33 of the HDPF refers to the importance of ensuring that proposals are designed so as to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 9.23 Amenity concerns have been raised in the submitted third party representations, including the loss of privacy as a result of the MUGA, the potential for increased noise disturbance, the potential for light pollution caused by night-time use, and the potential for noise and light disturbance during community use caused by additional traffic on the local highway network and during construction. Further, the Horsham District Council Environmental Health Officer (EHO) has raised concerns with regard to lighting and noise.
- 9.24 **Overlooking:** At its nearest point the 4.5m perimeter fencing for the MUGA would be located 20m from the boundary of the nearest neighboring property, and the area in-between would be used solely as a landscaping area, which would be supplemented with the 3.3m tall acoustic fence, additional planting and a 1.5m high bund. This area would be fenced-off to prevent unauthorised access (see **Appendix 3 – Proposed Layout and Landscaping**). As a result, it will not be possible for users of the MUGA to see into or overlook neighbouring properties.
- 9.25 **Light Impacts:** As part of the Design and Access Statement, the applicant has provided an Artificial Lighting Assessment (based on the requirements of the Institute of Lighting Professionals), which concludes that the potential for light spill outside the site would be within acceptable levels. The height of the columns (15m) is required to ensure light is directed downwards onto the playing surface, as shorter columns would require a shallower angle that would project light outwards instead of vertically down. Additionally, the lighting would be angled to provide zero upward light and would be concentrated on the pitch to minimise light spill beyond the MUGA.
- 9.26 While broadly satisfied with the findings of the lighting assessment, the EHO has recommended that a pre-commencement condition be included to require the submission of a verification report that demonstrates the installed lighting performs to approved standards and light spill is appropriately reduced. Given the lighting would need to be installed prior to verification being undertaken, it is recommended that this is secured as a 'prior to first use' condition.
- 9.27 Given the above and that the school site is located within the built-up area within which existing light levels are those associated with an urban environment with street lighting, it is considered that the proposed lighting would not give rise to any unacceptable adverse impacts on residential amenity associated with light spill or glare.
- 9.28 **Noise Impacts:** The construction process may result in impacts on residential amenity. The submitted Construction Access plan details the use of the recently-approved path and egress onto Comptons Lane for use as the temporary haul road. The temporary haul road would be 60m to the north-east of the nearest residential properties along the eastern side of Comptons Lane.

The construction compound has been identified as a plot adjacent to the western development area for the MUGA.

- 9.29 Any amenity impacts from construction activities would be temporary and during the day. These could, as advised by WSCC Highways, be regulated through a condition requiring the submission for approval and implementation of a Construction Management Plan. Consequently, although some limited impacts on amenity are likely, they are not considered to be so severe or of a duration such as to be unacceptable and could be controlled by condition.
- 9.30 With regards to the use of the MUGA, it is possible that it may result in a limited number of nearby residential properties experiencing elevated noise levels. Although the existing use of the playing fields is unrestricted, the addition of fencing and hard surfacing may change the noise characteristics of the area, together with the proposed year-round use, noise associated with balls striking fences, the use of whistles, or the sound of elevated voices.
- 9.31 The applicant submitted a Noise Impact Assessment (NIA) with the application, which had monitored noise data from similar developments and modelled them for the proposed development. The NIA concluded that, subject to mitigation measures including the provision of the 3.3m high acoustic fence along the eastern site boundary, the noise generated from the proposed development would remain within acceptable standards as defined by threshold criteria within the World Health Organisation (WHO) 'Guidelines for Community Noise' (1999). Noise impacts would be further mitigated through the adoption of a Noise Management Plan (NMP), so that there would be no significant impacts.
- 9.32 Nevertheless, the EHO raised concerns with the approach used in coming to those conclusions and suggested that, while the average noise level of the pitch use may be within acceptable thresholds, the intensification of the use of the south-eastern part of the playing-field would likely result in consistent low-level noise disturbance to nearby properties, with a potential for increased variable and unpredictable noise events generated from shouting, whistles and ball strikes being more noticeable to nearby residents.
- 9.33 The initial recommendations from the EHO included reducing the proposed hours of use of the facility to provide respite to nearby neighbouring properties, especially during the summer months, as well as the implementation of active management of the site to control noise levels both on and off the pitch.
- 9.34 In response to this advice, the applicant has submitted an updated NIA, which concludes that the maximum noise levels, while potentially noticeable, would not be intrusive and would result in 'no adverse observed effect' based on the WHO Guidelines for Community Noise (1999). This is defined in the National Planning Practice Guidance (NPPG) as noise that can be heard but does not cause any change in behavior or attitude; it can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.
- 9.35 Notwithstanding the conclusions in the updated NIA, the applicant has now proposed reduced hours of use for the MUGA from finishing at 22:00 hours, seven days per week (as originally proposed – see paragraph 4.15) to a seasonal program with weekday nights limited to 21:00 hours and Saturday evenings restricted at different times of the year (see paragraph 4.16).

- 9.36 To further mitigate the potential noise generated by the MUGA, the applicant would implement procedures identified in the NMP to minimise the potential noise impact of the development on local residents during the operational periods of the pitch. The NMP includes the provision of noise monitoring, a usage 'code of conduct', on-site supervision, and a complaints process to ensure engagement with local residents, as well as the provision of neoprene washers around the perimeter fence to dampen noise from ball strikes.
- 9.37 Sport England was reconsulted about the applicant's proposed revised hours of use. While initially reluctant, it was ultimately agreeable to the reduction in hours for the communal use of the facility given they would allow the School to deliver the community benefits of the facility so as to ensure its economic feasibility while taking the amenity of nearby residences into account.
- 9.38 However, the applicant's revised hours have not alleviated the concerns of the EHO, who does not wholly agree with the conclusions in the updated NIA, stating:
- "The report does not compare the modelled noise levels from the three pitches compared to the existing background noise levels. St Leonard's Road is a quiet residential area away from major roads. Experience of other similar locations across the district suggest noise levels can be expected to be around 35dB during the evenings. The predicted noise level of 50dB and peak noise above 60db would be over 10dB above the background noise level and this would be classed as significant adverse change under other environmental noise guidance."*
- "The proposal to install a noise barrier will help to mitigate some of the noise impacts but it likely change in the noise climate occasioned by the development will be still be significant given that no activity matching the proposed hours is currently unbeaten at the school site."*
- 9.39 The EHO advises that the best way to achieve the balance between the need for the development and the amenity of neighbouring residents, is to further reduce the hours of use of the pitches. The EHO recommends that night use be limited to two weekday evenings during summer months, and no use beyond 18:00 hours on Saturdays during summer months. The amended hours of use suggested by the EHO are as follows:
- 1 September to 30 April (Winter Months)
- Mondays to Fridays: 09:00 to 21:00 hours
 - Saturday: 09:00 to 19:00 hours
 - Sunday and Bank Holidays: 10:00 to 16:00 hours
- 1 May to 31 August (Summer Months)
- Mondays to Wednesday: 09:00 to 18:00 hours
 - Thursday and Fridays: 09:00 to 21:00 hours
 - Saturday: 09:00 to 18:00 hours
 - Sunday and Bank Holidays: 10:00 to 16:00 hours
- 9.40 In response, the applicant states that the further restrictions to the hours of use recommended by the EHO would risk making the MUGA economically unviable.

9.41 Sport England were consulted on the EHO's suggested reduction of hours. It has confirmed that it would not support the further reduction in hours for community use, stating:

"[Sport England] feels that the further reduction proposed is excessive and has the negative consequence of limiting the impact of the proposal (both in terms of participation, health and wellbeing outcomes, and the financial viability/sustainability of the proposal).

The previous recommendations, and [Sport England's] previous response in September, felt a suitable and reasonable restriction to timings, however reducing to a 6pm finish over the summer (albeit a period of reduced demand) removes a lot of flexibility and potential from the site.

Had this have been identified as a requirement in the Noise Impact Assessment it would be more understandable, however the report concludes that the noise produced, with the design measures considered, are within the required criteria/thresholds. The assessment, the hours having already been reduced, and the positive outcomes from maximising use, should be taken into consideration against the opposition to the proposal".

9.42 Although the introduction of the MUGA would result in an intensification of the use of the school site, which could impact upon the amenity of the neighbouring properties beyond the southeastern site boundary, the submitted NIA concludes that no significant adverse impact on their amenity is anticipated, in accordance with the relevant WHO guidance and subject to the implementation of mitigation measures and a NMP. It should also be noted that the revised hours of use as proposed are in line with, or reduced beyond, other similar sports facilities at other schools in West Sussex. Further, it is not anticipated that the MUGA would be used every evening, especially during summer months; however, the School cannot be certain about the level of community use at this stage.

9.43 Taking the above into account, together with the distance from neighbouring properties, the unrestricted nature of the existing playing field use and suitable mitigation measures (including the provision of neoprene buffers, acoustic fencings and adherence to the NMP), it is considered that the proposed hours of use (as per paragraph 4.16) for the MUGA would be appropriate. Conditions are proposed to limit the hours of use and to restrict the operation of the associated floodlighting to within these hours, albeit with an additional 15 minutes of floodlight operation (up to 21:15 hours) to allow users safe departure from the site during weekday evenings.

Conclusion

9.43 National Planning Policy, the HDPF and Sport England seek to ensure that sporting facilities are made as widely and readily available as possible. However, while there is a need to ensure maximum sporting provision, it is still necessary to ensure adequate protection of residential amenity. The potential for light spill outside the site would be within acceptable levels and would not cause significant levels of illumination beyond the MUGA as proposed. Although there is some potential for the proposal to result in additional noise disturbance, this would be within identified acceptable average thresholds, consistent with similar existing external sports pitches, and would be mitigated through the provision of mitigation measures, including the implementation of a

NMP. Overall, the potential for adverse impacts on residential amenity can be attributed moderate weight in the planning balance.

Impacts on Highway Capacity and Road Safety

- 9.44 The development would result in an increase in users of the school site and its facilities outside of normal school hours (09:00-17:00) during the evenings, weekends and bank holidays.
- 9.45 Third parties have raised concerns that the intensification of the site would result in highways safety issues and an increase in parking along Comptons Lane and around the school site.
- 9.46 The WSCC Highway Authority notes that the School's parking capacity of 150 spaces would be sufficient to meet the parking needs of MUGA users without the need for them to park outside of the school site. Furthermore, in relation to vehicle movements, the worst-case scenario of all three sports pitches being in use simultaneously is not considered to be unacceptable.
- 9.47 In summary, the Highway Authority considers that the proposed development would not have a severe impact in terms of highway capacity and road safety and raise no objection subject to conditions to secure a Construction Management Plan, as well as details of access and visibility splays prior to the commencement of the development. They have also recommended that an informative to ensure the appropriate highways licenses are applied for should permission be granted.

Conclusion

- 9.48 Although there would be an intensification of use of the highways network, it is not anticipated that the proposed development would have an unacceptable impact, subject to a suitable Construction Management Plan and other controls. Therefore, the proposal is considered to accord with local and national planning policy and the potential for adverse impacts on highways capacity and road safety can be attributed little weight in the planning balance.

Water Neutrality

- 9.49 The application site is located within the Sussex North Water Supply Zone, which is subject to a position statement issued by Natural England on 14 September 2021 (see paragraphs 5.2–5.5 above). In order to ensure that the development would not give rise to a significant impact on the Arun Valley SAC/SPA/Ramsar site, it must be demonstrated that the development can achieve water neutrality.
- 9.50 Without mitigation, the proposed development would result in an increase in mains water use/demand arising from additional users of school bathroom/changing facilities (that must be made available in conjunction with proposed community use of the MUGA). The applicant has provided a Water Neutrality Statement (WNS), which identifies the proposals could result in the demand for an additional 959m³ of water per year (assuming the worst-case additional demand).
- 9.51 The WNS proposes measures to offset this additional water use through both the installation of upgraded fittings within the dedicated bathroom for MUGA users, and by upgrading numerous existing higher flow taps in the school. The

WNS calculates that this would result in a saving of 1,035m³ of water use per year, or upon completion of the development, an overall reduction in water use at the school of approximately 8% (i.e. demonstrating that the requirement for water neutrality would be more than met).

- 9.52 In accordance with the County Council's obligations under The Conservation of Habitats and Species Regulations 2017 (as amended), an Appropriate Assessment (AA) has been carried out. This has included an independent review of the WNS by an external consultant, who has confirmed the assessment methodologies are robust and that subject to appropriate conditions to secure the offsetting measures set out, it has been shown beyond reasonable scientific doubt that the development would be water neutral.
- 9.53 Overall, the AA concludes that sufficient information/evidence has been provided to demonstrate with sufficient certainty that the proposed development would not have an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar site. The AA has been reviewed by Natural England, who concur with the findings.

Conclusion

- 9.54 Evidence has been submitted to demonstrate that the proposed mitigation measures, which can be secured by condition, are sufficient to ensure water neutrality. Therefore, the proposed development would not have an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar site. This has been confirmed through an Appropriate Assessment and the County Council can conditionally approve the development without prejudice to its duties under the Habitats Regulations. Overall, the proposed development accords with local and national planning policies that seeks to ensure designated sites and species are safeguarded, and water neutrality is considered to be a neutral factor in the planning balance.

10 Overall Conclusion and Recommendation

- 10.1 It is proposed to construct a new MUGA and associated hard surfaced access at the Forest School, Horsham, for use by students and staff at the school, which will be made available for use by the local community outside of school hours. The MUGA is being brought forward to mitigate the future loss of an area of the school playing field that is likely to be required as part of proposed future development at the adjacent Queen Elizabeth II Silver Jubilee School. It would provide a significant improvement to the educational and sporting facilities at the school and for the local area and, while part of the school playing field would be lost to facilitate the development, the new MUGA would offer year-round sporting benefits to students, staff, and the local community.
- 10.2 The MUGA would be of an appropriate design to ensure compliance with the requirements of the relevant sporting bodies. Although the height of the proposed floodlights is such that their upper parts could appear as a prominent feature within the immediate area, it is not considered that they would be overbearing or at odds with the broadly urban setting. The development would be well-screened from public views in the most part and, where visible from neighbouring properties backing onto the school playing field, additional landscaping and planting is proposed to ensure the visual impact of the proposed physical structures of the development would be minimised. Overall,

it is not considered that the proposed development would give rise to any unacceptable impact on the character or visual amenities of the locality.

- 10.3 The development has incorporated measures into its design to reduce the potential for adverse impacts on the amenity of nearby residents, including the provision of an acoustic fence along the eastern boundary, additional planting and bunding along the eastern and southern boundaries, and automated floodlighting. In addition, the applicant would ensure that the use of the pitch is operated in accordance with a Noise Management Plan and has reduced the proposed hours of use in response to concerns raised by local residents and the EHO, albeit not to the full extent subsequently recommended by the latter. Regardless, subject to the implementation of the above mitigation measures, the proposal would not result in an unacceptable impact on residential amenity.
- 10.4 Although the the use of the MUGA by the local community would increase the number of road-users accessing the site outside of school hours, the current parking arrangement at the school and highway capacity are sufficient to accommodate this. Construction activities would be temporary in nature. As a result, the proposed development would not have an unacceptable impact in terms of highway capacity and road safety.
- 10.5 Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case to suggest determination other than in accordance with the statutory development plan. In favour of the proposal, the need for the development carries great weight. Against the scheme, the potential for adverse impacts on residential amenity carries moderate weight and the potential for adverse impacts on the character of the area and visual amenity, and highway capacity and road safety carry little weight. Therefore, on balance, it is considered that the benefits of the proposal outweigh any disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).
- 10.6 Therefore, it is **recommended** that planning permission be granted subject to the conditions and informatives set out at Appendix 1.

Factors taken into account

11 Consultations

- 11.1 See Sections 7 and 8.

12 Resource Implications and Value for Money

- 12.1 Not applicable.

13 Legal Compliance

- 13.1 In considering the application, the County Council has, through consultation with the appropriate statutory bodies and having regard to the Development Plan and all other material considerations, considered the objectives of protection of human health and the environment and self-sufficiency and proximity as required by Article 18 of the Waste (England and Wales) Regulations 2011.

14 Equality and Human Rights Assessment

- 14.1 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.
- 14.2 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the County Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 14.3 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 14.4 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6.

15 Risk Management Implications

- 15.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. If this is not done, any decision could be susceptible to an application for Judicial Review.

16 Crime and Disorder Reduction Assessment

- 16.1 Not applicable.

17 Social Value and Sustainability Assessment

- 17.1 Not applicable.

Michael Elkington

Head of Planning Services

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Appendices

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Location Plan

Appendix 3 – Proposed Layout and Landscaping

Appendix 4 – Proposed Elevations

Appendix 5 – Proposed Landscaping Sections

Appendix 6 – Proposed Sections

Background papers

See Section 6.

Appendix 1: Conditions and Informatives

Commencement

1. The development hereby permitted shall be begun 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.*

Approved Plans

2. The development shall not take place other than in accordance with the approved plans:

- Arboricultural Method Statement – (Prepared by David Archer Associates, dated January 2022);
- Bat Tree Assessment – (dated 21/10/2021);
- Ducting Plan – (ref. SS2890_09, rev. 02, dated 02/03/2022);
- Educational Supporting Statement – (dated September 2022);
- Floodlighting Performance Report – (Prepared by Surfacing Standards, dated 19/10/2021);
- Landscape General Arrangement – (ref. 5203950-ATK-XX-XX-DR-L-001, rev. 02, dated 21/04/2023);
- Landscape Sections – (ref. 5203950-ATK-XX-XX-DR-L-001, rev. 02, dated 21/04/2023);
- LED Data Sheet – (ref. 20201001);
- Noise Impact Assessment – (ref. 8799/DO, rev. 06, dated 17/04/2023);
- PEA and Landscape Schedule for Bats – (Prepared by DJ Collins, dated September 2021);
- Proposed AGP Layout – (ref. SS2890_04, rev. 01, dated 07/12/2021);
- Proposed Construction Access – (ref. SS2890_10, rev. 01, dated 02/03/2022);
- Proposed Drainage – (ref. SS2890_06, rev. 04, dated 04/01/2022);
- Proposed Elevations – (ref. SS2890_08, rev. 02, dated 19/01/2022);
- Proposed Floodlighting – (ref. SS2890_05, rev. 05, dated 19/01/2022);
- Proposed Sections – (ref. 5203950-ATK-XX-XX-DR-L-002, rev. 02, dated 21/04/2023);
- Southern Water Pre-Capacity Check – (dated 03/08/2021);
- Tree Constraints Plan – (ref. TCP_02, dated December 2022);
- Tree Schedule – (Prepared by David Archer Associates, dated December 2021), and;
- Water Neutrality Statement – (ref. 22821-HYD-XX-XX-RP-Y-5001, rev. 06, dated 16/02/2023).

and other details submitted with the application including the Design & Access Statement (rev. 2, dated 02/03/2022) save as varied by the conditions hereafter.

Reason: *To secure a satisfactory development.*

PRIOR TO THE COMMENCEMENT OF DEVELOPMENT

Construction Management Plan

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Temporary Construction Access

4. No development shall take place, including any works of demolition, until a Temporary Construction Access plan has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a scaled plan detailing measurements and form of the proposed access;
 - details of vehicle tracking, appropriate for the largest vehicle likely to access the site, and;
 - visibility splays in line with the posted speed limit on Comptons Lane from a 2.4m setback.

Reason: In the interests of highway safety and the amenities of the area.

Landscape Maintenance Plan

5. Prior to the commencement of the development, an updated Landscape Maintenance Plan shall be submitted to and approved in writing by the County Planning Authority. The plan should include details in relation to the watering, mulching and weeding schedule of the proposed landscaping. Any seeding which fails, plants which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season in accordance with the approved details. Thereafter the approved Plan shall be implemented and adhered to throughout.

Reason: To ensure the proposed landscaping is maintained in the interest of the environment and residential amenity.

PRIOR TO FIRST USE

Drainage Verification Report

6. Prior to the first use of the development hereby permitted, a Verification Report pertaining to the approved surface water drainage system (as specified within the Proposed Drainage Scheme, ref. SS2890 06, rev. 04, dated 04/01/2022) and attenuation calculations (as specified within the Attenuation Calculations report, rev. A, dated 08/12/2021), carried out by a Chartered Engineer, has been submitted to the County Planning Authority, which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. If the results of the report indicate that the drainage system is not operating suitably, a scheme of rectification shall be submitted to and approved in writing by the County Planning Authority within three months upon completion of the proposed development, and thereafter implemented in full.

Reason: To ensure the development is appropriately drained and would not give rise to localised flooding.

Community Use Agreement

7. Prior to the first use of the development hereby permitted, a Community Use Agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the County Planning Authority, and a copy of the completed approved agreement has been provided to the County Planning Authority. The agreement shall apply to the Multi-Use Games Area (MUGA), non-turf cricket pitch (NTP) and ancillary change, toilet and parking facilities, and include details of, but not be limited to, the pricing policy, hours of use, access by non-school 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 and to ensure sufficient benefit to the development of sport.

Flood Lighting

8. Prior to the first use of the development hereby permitted, a lighting scheme shall be submitted for the approval in writing by the County Planning Authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light. The scheme shall be designed by a suitably qualified person in accordance with the recommendations for Environmental Zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:21.

Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the Institute of Lighting Professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21. The validation report shall be submitted to and approved by the County Planning Authority and the approved details and attenuation measures shall thereafter be permanently retained and maintained in working order in accordance with the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21, for the duration of the use and their operation.

Reason: To safeguard the amenity of adjoining residential properties.

Pitch Surfacing Specification

9. Prior to the first use of the development hereby permitted, (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the County Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, and provides sporting benefits.

Pitch Management and Maintenance Scheme

10. Prior to the first use of the development hereby permitted, a Management and Maintenance Scheme for the facility, including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the County Planning Authority after consultation with Sport England. This shall include measures to ensure the replacement of the MUGA within the manufacturer's specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the MUGA.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility that is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

Water Neutrality Measures

11. The development hereby permitted shall be undertaken in full accordance with the Water Neutrality Strategy (ref 22821-HYD-XX-XX-RP-Y-5001, rev. 06, dated 16/02/2023- prepared by Hydrock). For the avoidance of doubt, all community/third party users of the MUGA shall only be permitted to use bathroom and changing facilities located in Block A (as shown in Appendix A of the Water Neutrality Strategy).

Prior to the first use of the development hereby permitted, the applicant shall submit evidence to the County Planning Authority that the approved Water Neutrality Strategy for the development has been implemented in full. The evidence shall include the specification of all fittings used, evidence of their installation, and evidence they meet the required water consumption flow rates. Thereafter, once approved in writing by the County planning Authority, the

installed measures shall be retained and operated at all times and maintained in accordance with Table 11 of the Water Neutrality Strategy.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC, SPA and Ramsar sites.

Noise Management Plan

12. Prior to first use of the development hereby permitted, an updated Noise Management Plan shall be submitted to and approved in writing by the County Planning Authority. The updated plan shall include additional details relating to, but not limited to, the agreed hours of use of the pitch and noise mitigation measures, including the specifications of neoprene dampeners to be used around the MUGA and operational noise control measures to be imposed during seasonal use of the MUGA. Once approved, the measures set out in the approved plan shall be complied with in full, with effect from commencement of use of the MUGA.

Reason: To protect neighbouring residential amenity.

Infill Containment Measures

13. Prior to first use of the development hereby permitted, a detailed plan outlining the location and design of brushoff and kickboard areas, as well as a methodology to ensure that loss of infill material from the site is minimised, shall be submitted to and approved in writing by the County Planning Authority. Once approved, the measures set out in the approved plan shall be complied with in full, with effect from commencement of use of the MUGA.

Reason: To protect the local environment.

OPERATIONAL CONDITIONS

Protection of Retained Trees

14. (a) No retained tree, as identified on the Tree Constraints Plan (ref. TCP_02) shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned without the prior written approval of the County Planning Authority. Any pruning work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations.

(b) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until all tree protection measures have been implemented in accordance with the Arboricultural Method Statement. Such measures shall be adopted until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any identified construction exclusion zones and the ground levels within those areas shall not be altered, nor shall any excavation be made, except in full accordance with the mitigation measures identified in the Arboricultural Method Statement, save for any variation thereto that may be agreed in writing by the County Planning Authority.

Reason: To protect existing trees in the interests of amenity and of the environment of the development.

Hours of Use

15. The MUGA hereby approved shall only be used between the hours of:

- 09:00 to 21:00 Monday to Friday (year-round);
- 09:00 to 18:00 on Saturday (May-September);
- 09:00 to 19:00 on Saturday (October-April); and
- 10:00 to 16:00 on Sundays and Bank Holidays (year-round).

Outside these periods, only maintenance activities shall take place on the MUGA.

Reason: To protect residential amenity.

Hours of Operation - Floodlights

16. The floodlighting and path illumination lighting hereby approved shall only be used between the hours:

- 09:00 to 21:15 Monday to Friday (year-round);
- 09:00 to 18:15 on Saturday (May-September);
- 09:00 to 19:15 on Saturday (October-April); and,
- 10:00 to 16:15 on Sundays and Bank Holidays (year-round).

Floodlighting and path illumination shall remain turned off outside of these hours unless it is required for an emergency situation.

Reason: To enable the safe exit of users from the MUGA and to protect residential amenity.

Floodlighting

17. The floodlighting hereby permitted shall at all times be directed onto the all-weather pitch and to no other part of the school site as per the approved Floodlighting Performance Report (Prepared by Surfacing Standards, dated 19/10/2021), save for any variation thereto that may be agreed in writing with the County Planning Authority.

Reason: To minimise light spill outside of the site to protect residential amenity.

Cricket Wicket Specification

18. The Non-Turf Cricket Pitch (NTP) hereby permitted shall not be constructed other than in accordance with the ECBs Technical Design Guidance TS6 contained in ECB Guidance Notes for the provision and Installation of Non-Turf Cricket Pitches and Net Cage Facilities 2017.

Reason: To ensure the development is fit for purpose and sustainable.

Safety Netting Installation

19. At no time shall the MUGA be used concurrently with the cricket NTP until the ball strike protection netting identified as being necessary in the Labosport Boundary Risk Assessment ref: LSUK.21-0608_REC to protect the users of the AGP has first been installed, in accordance with any relevant planning permission,

and thereafter the protection netting shall be permanently retained and maintained in good condition as specified.

Reason: To mitigate the risk of cricket ball strike so as to ensure the safety of users of the MUGA and so as not to prejudice the ongoing use of the NTP.

Sports Use Only

20. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (England), as amended by The Town and Country Planning (Use Classes) (amendment) Regulations (or any order amending, revoking or re-enacting that order), MUGA shall not be used other than for sport.

Reason: To protect the sports facility from a change of use to a non-sporting use that would be inappropriate to justify the loss of the grass playing field land.

INFORMATIVES

- A. In accordance with the National Planning Policy Framework, the County Planning Authority has approached the determination of this application in a positive way, and has worked proactively with the applicant by:
- Discussing issues of concern as early as possible, including those raised by consultees and third parties; and
 - Working with consultees.

As a result, the County Planning Authority has been able to recommend the grant of planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

- B. Once details relating to the proposed temporary site access have been submitted to and approved by the County Planning Authority, the applicant is advised to contact WSCC Highways to discuss the relevant licences required to enable works to the public highway, as per the comments made by the WSCC Highways Officer.
- C. The applicant's attention is drawn to the ECB Guidance Notes for the Provision and Installation of Non-Turf Cricket Pitches and Net Cage Facilities as per the advice provided within the consultation response from Sport England.
- D. Use of the development shall not commence until (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches.