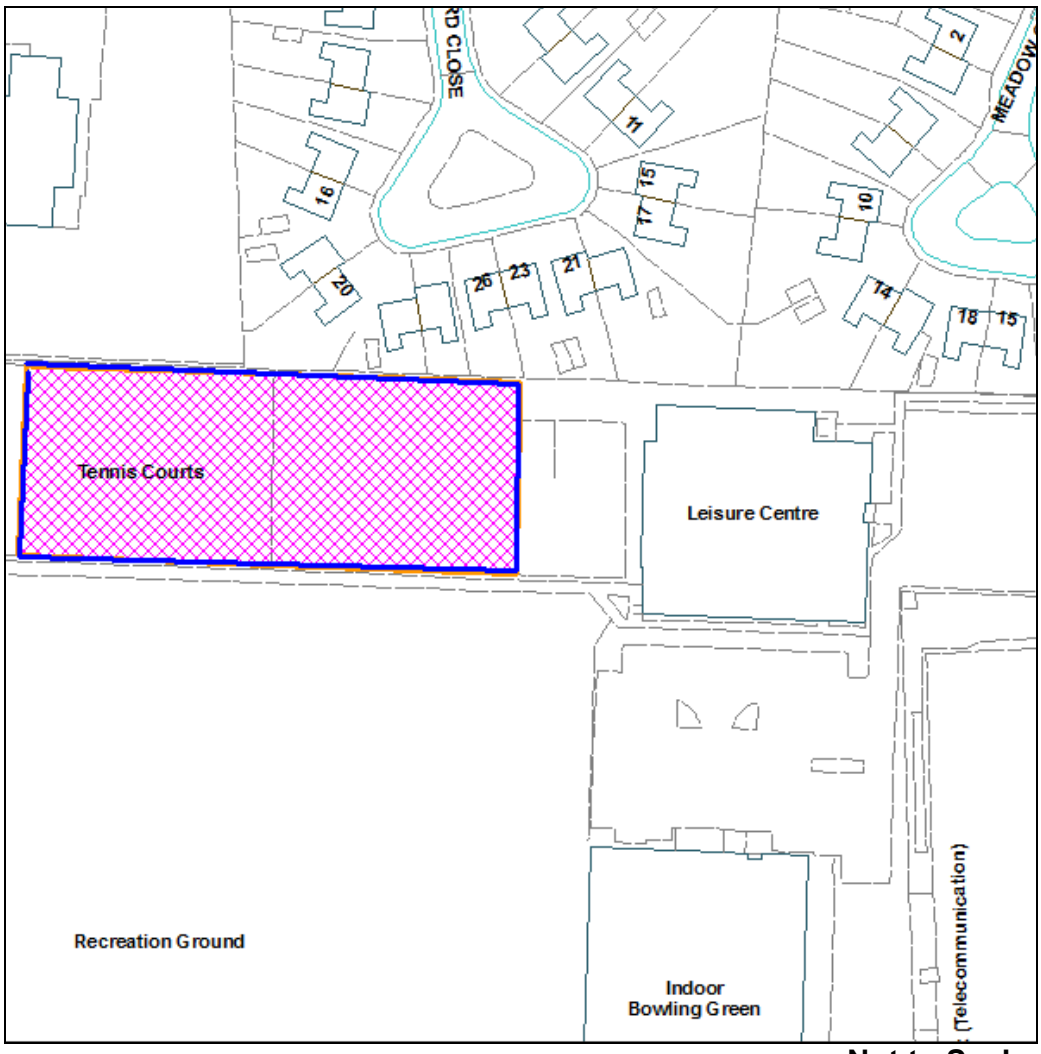
Application Number: AWDM/0078/19 **Recommendation: APPROVE**

Site: **Tennis Courts, Southwick Leisure Centre, Old Barn Way, Southwick**

Proposal: **Change of Use of Western tennis courts to 3G football pitches, with 4.2m high rebound fences (with net over football pitch), 8m high floodlight posts to each corner of refurbished 3G football pitches, pitch markings and goals. Refurbishment of Eastern tennis courts with new surface, lines, nets and fencing. Acoustic fence to part North boundary to protect from noise generated on the football pitch.**

Applicant: Adur District Council Ward: Eastbrook
Case Officer: Gary Peck



Not to Scale

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Proposal

This application, submitted by the Council, relates to an area of disused tennis courts on the northern side of Southwick Recreation Ground.

To the western portion of tennis courts, permission is sought for change of use of to 3G football pitches, with 4.2m high rebound fences with a net over the pitch and 4 x 8m high floodlight posts to each corner of the pitches.

To the western portion of the tennis courts with it is proposed to replace the tennis courts with new surfacing, lines, nets and fencing. An acoustic fence to part of the northern boundary (which has been increased in length during the determination of the application) will also be installed to protect the residents in Orchard Close from any noise generated on the 3g football pitch to the west.

Site & Surroundings

The application site consists of disused tennis courts on the northern side of Southwick Recreation Ground. To the east are some cricket nets and Southwick Leisure Centre. To the west is a multi-use games area and playground. To the north, the western part of the site is bordered by the currently disused grounds of the former Eastbrook School while the eastern part of the site is bordered on its northern side by residential properties in Orchard Close. These are 2 storey semi-detached houses with the first floor windows clearly visible from the eastern side of the application site, visibility is reduced from the western side of the application site by a screening on the boundary with the former school site.

Relevant Planning History

None relevant to the determination of the application

Consultations

Environmental Health – initial comments

It is not clear from the light assessment what the Lux levels will be in neighbouring gardens. Would it be possible to get a lux plan to scale so this can be determined.

I would recommend an acoustic assessment is submitted, before the application is decided, to ensure that the acoustic mitigation is effective.

Any permission should have hours of use agreed. I would also recommend that a Noise Management Plan is provided covering issues such as community liaison, complaints procedures, student briefings and preventing unauthorised use. Finally, I would recommend a condition for construction hours.

Following the submission of further information and amended plans, the Environmental Health Officer commented:

I have had a look at all of the additional information and would make the following comments.

I am not a lighting engineer, so will [the applicant's] advice on this that when you include the shadow provided by the existing hedge line and acoustic fence the lighting scheme will not adversely impact on the neighbouring gardens.

We discussed and agreed that the acoustic fence be extended by 10m in the West direction. The acoustic fence will be screened by the existing vegetation in this area and will not be seen by the neighbours behind.

If this is acceptable then I am satisfied that noise from the facility will be adequately controlled.

Sport England – initial comments

Thank you for consulting Sport England on the above planning application. The site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such Sport England is a statutory consultee.

Sport England has sought to consider the application in light of the National Planning Policy Framework (particularly Para. 97) and against its own playing fields policy. Unfortunately there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. Please therefore could the following information be provided as soon as possible:

1. Please provide a detailed design of the proposed 3G pitch including, at a minimum, the dimensions including proposed safety run-offs/any recessed goal areas etc.
2. Please provide details of an acoustic assessment – while I note the provision of acoustic fencing, the proximity of the closest houses is a concern with regard to the sustainability of this proposal

Sport England's Playing Fields Policy and Guidance document, which includes the type of information required in order for us to evaluate a planning application against our policy, can be viewed via the below link:
www.sportengland.org/playingfieldspolicy (see Annex B)

Sport England's interim position on this proposal is to submit a *holding objection.* However we will happily review our position following the receipt of all the further information requested above. As I am currently unable to make a substantive response, in accordance with the Order referred to above, the 21 days for formally responding to the consultation will not commence until I have received all the information requested above.

Following the receipt of further information, Sport England further commented:

It would be our preference to have testing to ensure that the acoustic fence is sufficient – however, given that residential amenity is a matter for the local authority planners, we will not object solely on this basis despite the fact that this aspect remains a concern.

West Sussex Highways

The highway authority has no objection to the application, providing that a condition is added to any consent requiring a wheel-washing facility during refurbishment.

Representations

1 letter raising concerns regarding operating times, the floodlighting not lighting up adjoining gardens and whether the facility will be locked at night.

1 letter of support stating this is a much needed facility for the young people of Adur and will regenerate a disused area.

Relevant Planning Policies and Guidance

Adur Local Plan 2017:

Policies 12 (Southwick and Fishersgate), 15 (Quality of the Built Environment and Public Realm Policy) and 32 (Open Space, Recreation and Leisure)

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issue in the determination of the application is the impact of the proposal upon the visual character of the area and the amenities of neighbouring residential properties.

Policy 32 of the Adur Local Plan supports the provision of new sports facilities and resists the loss of existing provision. The application site consists of tennis courts which

have long been disused and accordingly there is no policy objection to their renewal on the eastern side and the provision of a 3G football pitch on the western side.

In visual terms, the case appears straightforward as the current appearance of the site detracts from the rest of the generally well kept recreation ground which is well used by a variety of users. One of the main footpath links through the park passes alongside the southern boundary of the application site and the proposed development would enhance the visual amenities of this part of the site. There is already a playground, multi-use games area and cricket nets situated on the northern part of the recreation ground and effectively the proposal would infill the gap between the games area and cricket nets. It is noted that on the western side, the proposed mesh fencing will be over a metre high than the existing, rather poor quality, chain link fence but in the context of the facility it will provide, is not considered to be so visually obtrusive as to warrant a refusal of the application.

The remaining issue is therefore the impact upon neighbouring residential properties as the houses on the southern side of Orchard Close are situated close to the northern boundary of the application site with, at its nearest point, number 22 Orchard Close being less than 4 metres from the boundary. While the ground floors of these properties are generally screened by an existing fence, the first floors of the properties are clearly visible. The provision of floodlights to the western portion of the application site, as well as the provision of a 3g pitch, will mean that the area would be far used far more than the existing courts would be even if they were usable.

It is noted, though, that only 1 objection has been received to the application (and indeed a letter of support) from local residents. Given that, at present, both the application site on the southern side of Orchard Close and the former school site to the west of Orchard Close are both disused but seemingly still easy to access, it can be considered that the provision of a more active use in the area could be beneficial to the amenities of neighboring residents.

The application originally proposed a 20 metre long, 2.4 metre high acoustic fence. Following consultation and a site visit from the Environmental Health Officer it has been agreed to extend this to 30 metres in length (the increased length being provided on the western, school boundary side of the site). The residential properties on Orchard Close are already bordered by close boarding fencing and it is not considered that the provision of 2.4 metre high acoustic fence will cause any harm to the amenities of the residential properties given that that they are situated on slightly higher ground than the application site, especially on the western side as there is a step down between the respective parts of the application site. Given that the Environmental Health Officer considers that extended length of the fencing to be acceptable in noise terms, the amended proposal is thus considered to be acceptable.

The remaining issue is therefore in respect of the proposed floodlighting. The Environmental Health Officer considered that the existing screening to the north and the acoustic fence (subsequently extended) would help shield the lighting from the nearby residential properties. It is important to note that the lighting is only proposed on the western part of the site which is not directly adjacent to the residential properties. The two easternmost lights will therefore face way from the nearest properties while the north western column will be over 50 metres away from those properties and, as the

Environmental Health Officer attests, will be partly be obscured by existing screening on the disused school site.

The south western column will face towards residential properties, albeit it will be over 50 metres away from the site boundary with the residential properties and in excess of 70 metres from the properties themselves. Your officers are of the view, therefore, that there is sufficient scope for the floodlighting to be angles sufficiently to avoid any undue harm to the neighbouring property although the lighting spill plan does appear to indicate that some light would spill into the garden of 20 Orchard Close. The extended fence would appear to offset some of this impact, but it is felt that a condition is appropriate to ensure the any light spill is contained within the site boundaries as far as possible.

In conclusion, the proposal offers an opportunity to upgrade recreational facilities on a part of the Recreation Ground that has lain disused for too long and now detracts from the overall appearance of a site which is an important amenity for the residents of Southwick. Subject to conditions ensuring that the amenities of nearby residents in Orchard Close are protected, it is considered that the application is acceptable.

Recommendation

To GRANT planning permission subject to the following conditions:

01 Approved Plans

02 Full Permission

03 Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as agreed with the Local Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

Reason: The above condition is required in order that the development should not prejudice highway safety or cause inconvenience to other highway users.

04 No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 8am to 1pm on Saturdays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to policies 15 and 34 of the Adur Local Plan.

05 The facility hereby approved shall not be used other than between the hours of 0900 hours and 2100 hours on Mondays to Fridays, 0900 hours and 2000 hours on Saturdays, Sundays and Public/Bank Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to policies 15 and 34 of the Adur Local Plan.

06 The facility hereby approved shall be used in accordance with the Artifical Noise Management Plan dated May 2019. The approved Plan shall thereafter be adhered to at all times.

Reason: In the interests of residential amenity having regard to saved policy AG1 of the Adur District Local Plan.

07 The facility hereby approved shall not be used until the proposed acoustic fencing has been erected in accordance with the details hereby permitted and the fencing shall thereafter be retained permanently

Reason: In the interests of amenity and to comply with policy 15 of the Adur District Local Plan.

08 The lights hereby permitted shall be angled at all times in such a manner as to prevent glare to neighbouring residential properties in accordance with details to be submitted and approved by the Local Planning Authority prior to first use of the facility hereby permitted.

Reason: In the interests of highway safety having regard to policy 34 of the Adur Local Plan.

1st July 2019