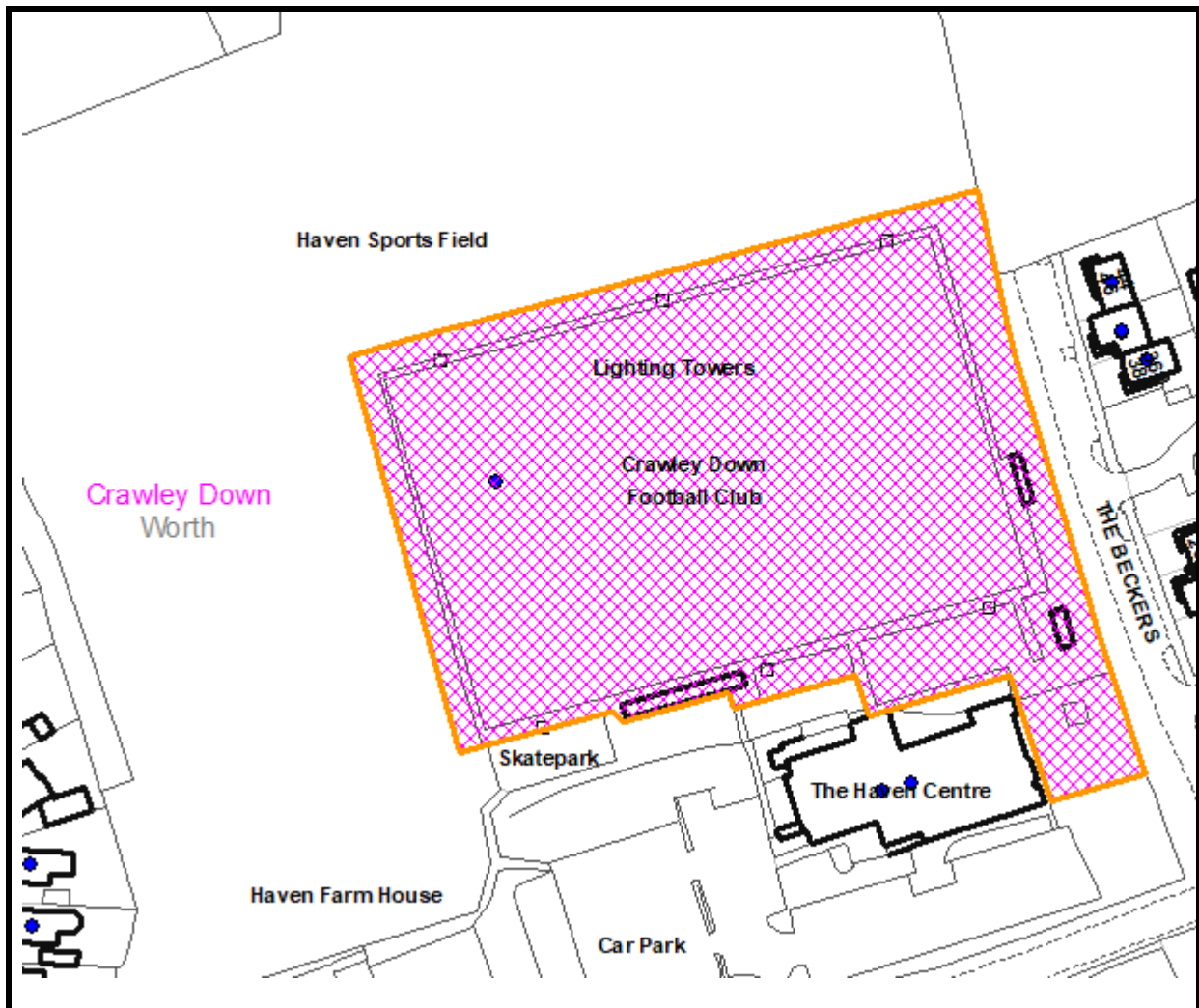


Planning Committee

Recommended for Permission

15th June 2023

DM/23/1053



©Crown Copyright and database rights 2023 Ordnance Survey 100021794

Site:	The Haven Centre Hophurst Lane Crawley Down Crawley West Sussex
Proposal:	Replace existing 24 Metal LED flood lights with 16 LED Lamps with no change to flood light poles. Remove existing Diesel generator. Changes to existing Dugout to include extra seating and proposed location. New Ball stop netting 8m high x 20m.
Applicant:	Mr Michael Martin
Category:	Minor Other
Target Date:	20th June 2023

Parish:	Worth
Ward Members:	Cllr Ian Gibson / Cllr John Hitchcock /
Case Officer:	Katherine Williams

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTB7MEKT0GL00>

1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

2.1 Planning permission is sought to replace the existing 24 Metal LED flood lights with 16 LED Lamps, remove the existing Diesel generator. Changes to existing Dugouts to include extra seating and new location and new Ball stop netting 8m high x 20m at the Crawley Down Gatwick Football Club. The proposed works would result in upgrades to the existing facilities around the football pitch and will allow the continued recreational use of the land and provided an improved facility for the local community of Crawley Down.

2.2 This application is before committee as the application site is located on land owned by Mid Sussex District Council.

2.3 It is considered that the proposal would be acceptable in terms of its principle, the character of the area, would not cause significant harm to the amenities of neighbouring properties, subject to conditions. The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP12, DP24 and DP26, and the relevant provisions of the NPPF.

2.4 It is therefore recommended that planning permission is granted.

3.0 Recommendation

3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

4.0 Summary of Representations

4.1 None received

5.0 Summary of Consultees

5.1 **MSDC Environmental Health**

No objection following the submission of further information.

6.0 Parish Council Observations

6.1 The Committee support this application.

7.0 Introduction

7.1 The application seeks planning permission to replace existing 24 Metal LED flood lights with 16 LED Lamps with no change to flood light poles. Remove existing Diesel generator. Changes to existing Dugout to include extra seating and proposed location. New Ball stop netting 8m high x 20m.

8.0 Relevant Planning History

- 8.1 WP/131/98 - INSTALLATION OF TRAINING LIGHTS TO THE HAVEN CENTRE BUILDING TO BE USED BY CRAWLEY DOWN VILLAGE FOOTBALL CLUB. Granted 00/02053/FUL - Proposed floodlighting and spectator hardstanding to pitch (1). (Amended plans received showing new floodlight and spectator hardstanding specifications). Refused
- 8.2 06/02450/FUL - Upgrading of Pitch No. 1 facilities at the Haven Sports Field, Crawley Down, to meet the Football Association national ground grading document, to allow the playing of football at Sussex County League Division 1 status. Granted
- 8.3 07/03179/COND - Variation of conditions relating to Planning Permission WP/06/2450/FUL, to allow slightly more flexible use of floodlights and pitch 1. (Correct certificate of ownership received 14th November 2007). Granted
- 8.4 11/00026/FUL - Extension of existing seated stand from 113 seats to 188 seats to comply with the F A Step 4 Graded Ground Grading Regulations to allow football within The Rymans Football League. Granted
- 8.5 Variation of Condition 5 of planning permission 06/02450/FUL and subsequent amendments, to allow floodlit football on Bank Holidays, in accordance with the Rymans League requirements. Granted

9.0 Site and Surroundings

- 9.1 The application site consists of Crawley Down Gatwick Football Club grounds to the north of the Haven Centre, on the northern side of Hophurst Lane, outside the built up area of Crawley Down and within the countryside.
- 9.2 The southern side of the highway consists of two storey detached dwellings of varying designs and forms. The dwellings are set back evenly from the highway with front boundary hedging which gives a distinctive character to this side of the highway. The northern side includes residential properties; however, these are more sporadically positioned with differing relationships with the highway. The areas between the properties consist of the Haven Centre and the car park to the Haven

Centre Sportsfield with Crawley Down Gatwick Football Club beyond to the north, with the built up area boundary between the football club and the Haven Centre. These areas border the highway with mature trees and hedging which contribute to the character of the area.

- 9.3 To the east of the site is The Beckers, a residential cul-de-sac off Hophurst Lane which consists of residential properties with a number of dwellings facing onto the Haven and football ground with an area of trees and hedging in between.
- 9.4 The existing site consists of a football pitch to the north of the Haven Centre and its carpark. The pitch is surrounded by a low wire fence and hedging beyond with associated paraphernalia, such as goal posts and dug outs. The pitch also includes 3 No. floodlight poles on two sides of the pitch which each include 4 No. LED lights. To the eastern side of the pitch is an existing ball stop net.

10.0 Application Details

- 10.1 The proposed replacement lighting would be LED lighting would be positioned on the existing poles around the football pitch and would not result in any increase in height. This lighting would include 16 individual lights, with 3 No. lights on the corner poles and 2 No. lights on the halfway poles. This would replace the existing 24 lights.
- 10.2 The proposed replacement dugouts would be located along the northern side of the pitch and in a more separated position than the existing dugouts with 12 metres in between. These would each have a width and depth of some and would have a width and depth of 6 metres and 1 metre with an overall height of some 1.8 metres.
- 10.3 The proposed ball stop fence would have an overall height of some 8 metres and cover a length of 20 metres. This would cover the same area as the existing fencing.
- 10.4 The existing generator to the eastern side of The Haven Centre is also proposed to be removed as it is no longer required.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:
a) The provisions of the development plan, so far as material to application,
b) And local finance considerations, so far as material to the application, and
c) Any other material considerations.'

- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 11.4 The requirement to determine applications 'in accordance with the plan' does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations DPD and Crawley Down Neighbourhood Plan.
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

11.8 The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 – Protection and Enhancement of Countryside

DP24 – Leisure and Cultural Facilities and Activities

DP26 - Character and Design

Site Allocations DPD

11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

Mid Sussex District Plan 2021-2039 Consultation Draft

11.10 The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

Neighbourhood Plan

11.11 The Crawley Down Neighbourhood Plan was made on 28th January 2016 and so forms part of the development plan. It is therefore a material consideration with full weight.

No relevant policies

- 11.12 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (July 2021)

- 11.13 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'
- 11.14 Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'
- 11.15 Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'
- 11.16 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

- 11.17 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

11.18 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

12.0 Assessment

12.1 It is considered that the main issues that need to be considered in the determination of this application are as follows;

- The Principle of Development
- Character and Design
- Impact on Residential Amenity
- Planning Balance and Conclusion

12.2 The Principle of Development

12.3 Policy DP12 of the District Plan relates to development in the countryside and states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

12.4 Policy DP24 of the District Plan relates to development relating to community facilities and local services and states:

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential

developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

- **an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or**
- **the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- **the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'**

12.6 The proposed structures and works would be used with the existing sports use of the site and would be of a scale and form similar to the associated structures around the football pitch.

12.7 The proposal would result in upgrades to the existing site and would facilitate the continued sports use of the site. Therefore, the proposal is considered to be in accordance with DP12 and DP24 of the Mid Sussex District Plan and acceptable in principle subject to the consideration of the impact on character of the area and the countryside.

12.9 Character and Design

12.10 Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.11 The proposal would be of a design and scale which is considered appropriate and in proportion with the existing site and its proposed use. The proposal would be visible from public views from The Beckers and from the Haven Sportsfield and would be seen in relation to the existing recreational use of the site.

12.12 It is noted that the proposed ball stop fencing would have an overall height 4 metres higher than the existing fencing, however given the nature of the proposed fencing and its open netting and appearance along with the mature hedging screen between the fence and The Beckers, it is considered that this would not detract from the character of the area.

12.13 Given the above it is considered that the proposal would be in keeping with the existing character of the site and would not cause any material harm.

12.15 Impact on Residential Amenity

12.16 DP26 of the Mid Sussex District Plan seeks to ensure that development '*does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'*

12.17 The closest neighbouring properties are the residential dwelling which face into the site from The Beckers, which are at least 24 metres from the existing pitch. Given the nature of the proposal along with the mature hedge screen between the site and these neighbouring properties it is considered that the proposal would have a similar relationship to the existing between the site and these neighbouring properties and the proposal would not cause significant harm to the amenities of these neighbouring properties.

12.18 The Council's Environmental Health Officer has been consulted on the application following the submission of new information relating to the predicted vertical illuminance at the neighbouring properties in The Beckers, which would be 1 Lux level at the point of the closest neighbouring property.

12.19 The Officer has requested conditions to ensure that the lighting is installed and operated at the levels shown on the plan and that the lights are not used beyond 10pm to ensure that the proposal would not cause significant harm to the amenities

of neighbouring properties. With such conditions in place, significant harm to the amenities of neighbours is not anticipated.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan, Site Allocations DPD and the Crawley Down Neighbourhood Plan. The NPPF is an important material planning consideration.
- 13.2 The proposal is acceptable both in terms of the principle and in terms of impact on the character and appearance of the area and would not cause significant harm to the amenities of neighbouring properties.
- 13.3 Therefore the proposal complies with Mid Sussex District Plan policies DP12, DP25 and DP26, and the relevant provisions of the NPPF.
- 13.4 It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.
4. The lighting hereby permitted shall be switched off at or before 22:00 hours.

Reason: In the interest of the character and amenities of the locality and nearby properties and to accord with policies DP26 of the Mid Sussex District Plan.

5. The lighting hereby permitted shall be installed and operate fully in accordance lighting details submitted on 30th May 2023 and thereafter shall only operate in accordance with those details.

Reason: In the interests of the character and amenities of the locality and nearby properties and to accord with policies DP26 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.

Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

APPENDIX B – CONSULTATIONS

Environmental Health:

Given the new information concerning predicted vertical illuminance at properties in The Beckers, I have no objection to this development provided a condition is in place requiring that lighting is installed to ensure that levels shown in the lighting plan dated 26th May 2023 are achieved. I also recommend a time restriction for when the lights can be operational. I think you mentioned lights would not be in use after 10pm, is this correct.