

MID SUSSEX DISTRICT COUNCIL

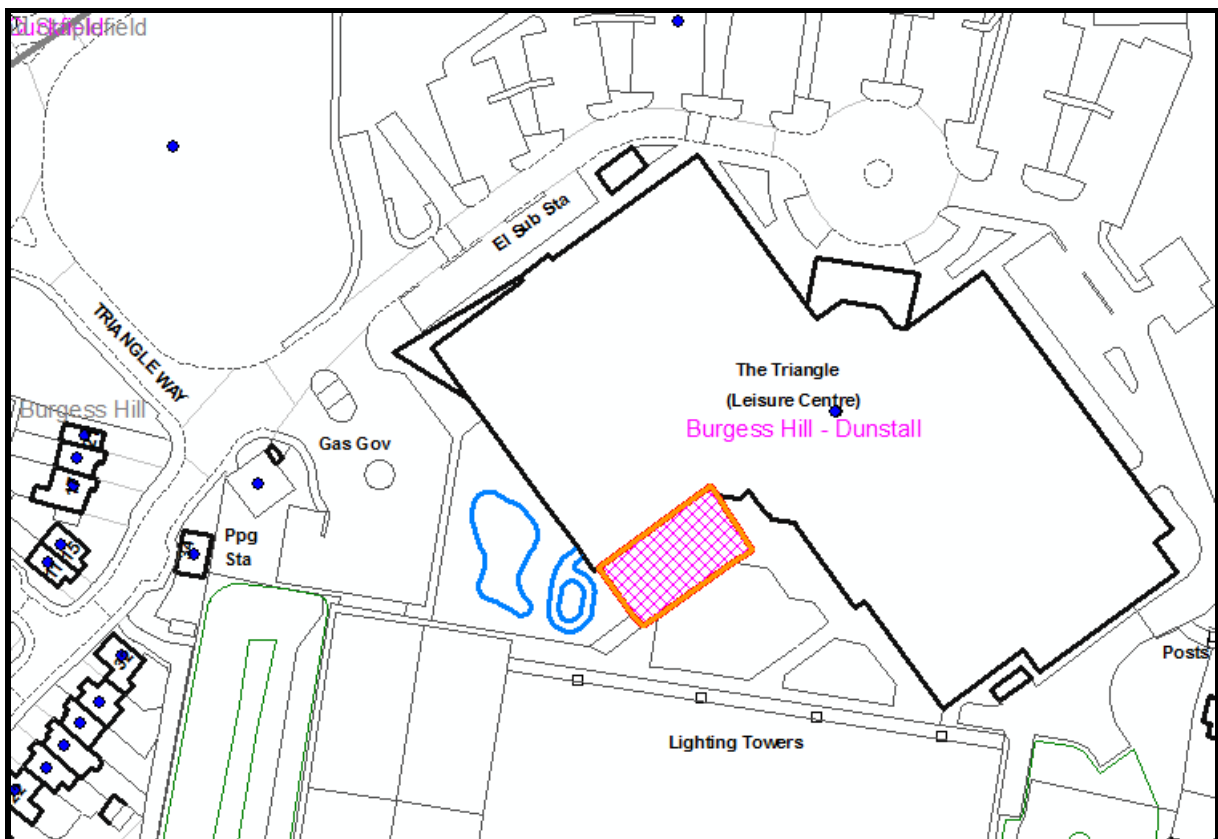
Planning Committee B

28 MAR 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/0165



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**THE TRIANGLE LEISURE CENTRE TRIANGLE WAY BURGESS HILL
WEST SUSSEX
PROPOSED PADEL TENNIS COURT TO REPLACE PAVED AREA TO
REAR OF THE CENTRE.
MID SUSSEX DISTRICT COUNCIL**

POLICY: Built Up Areas / Planning Agreement / Planning Obligation /
Aerodrome Safeguarding (CAA) / SWT Bat Survey / Highways and
Planning Agreement (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 1st April 2019

WARD MEMBERS: Cllr Andrew Barrett-Miles / Cllr Jacqui Landriani /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

To consider the recommendation of the Divisional Lead Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks planning permission for a proposed padel tennis court to replace paved area to rear of the centre at the Triangle Leisure Centre in Burgess Hill. The application is being reported to committee as the District Council is the landowner.

The proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the leisure centre. It is not considered to cause a significant detrimental impact upon neighbouring residential amenities, while the proposal would result in improved leisure facilities at The Triangle. Therefore, the proposal is deemed to comply with Policies DP24 and DP26 of the Mid Sussex District Plan, Policy LR3 of the Burgess Hill Neighbourhood Plan and the requirements of the NPPF

RECOMMENDATIONS

Recommend permission be granted subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

Environmental Protection

Recommend condition on construction hours and hours of use.

Introduction

This application seeks planning permission for a proposed padel tennis court to replace paved area to rear of the centre at the Triangle Leisure Centre in Burgess Hill. The application is being reported to committee as the District Council is the landowner.

Relevant Planning History

There have been numerous applications at the site of the leisure centre but none are of relevance to this planning application.

Site and Surroundings

The Triangle Leisure Centre is a substantial purpose built leisure facility on the edge of Burgess Hill. The site of the application is to the rear (south) of the building. To the north, east and west of the site is the leisure centre itself. To the south are the external courts/pitches associated with the leisure centre.

The site is within the built up area of Burgess Hill as defined by the Mid Sussex District Plan.

Application Details

The proposed padel tennis court would measure some 10.6 metres in width, by 23.3 metres in length, with an overall height of 8.4 metres. It has been shown that the proposal is to be constructed of blue playing surface, a mixture of glass and wire mesh walls with a poly carbonate roof and a black steel frame.

List of Policies

Mid Sussex District Plan

DP24- Leisure and Cultural Facilities and Activities
DP26 - Character and Design

Neighbourhood Plan

Burgess Hill Neighbourhood Plan. Made with full weight.

POLICY LR3 PROTECT AND IMPROVE EXISTING LEISURE AND RECREATIONAL FACILITIES

National Policy

National Planning Policy Framework (NPPF) (February 2019)

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 overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is *'significantly boosting the supply of homes'*

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

'For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

However, paragraph 12 makes clear that:

'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.'

Paragraph 15 states:

'The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.'

With specific reference to decision-taking, the document provides the following advice:

Paragraph 38 states that: *'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.'*

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

Assessment (Consideration of Key Issues)

PRINCIPLE OF DEVELOPMENT

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

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.'*

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.'

Using this as the starting point, the development plan in this part of Mid Sussex consists of the District Plan and the Burgess Hill Neighbourhood Plan.

DP24 of the Mid Sussex District Plan supports the provision of new and/or enhanced leisure and cultural activities and facilities, a similar ethos is found within Policy LR3 of the Burgess Hill Neighbourhood Plan which identifies The Triangle as one of the town's facilities and supports new or improved facilities.

Owing to the fact that the proposal will be provided new and improved leisure facilities at The Triangle the principle of this development is considered acceptable.

Design

Policy DP26 of the District Plan relates to character and design and 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 DP27);*
- *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.'*

The proposed padel tennis court would be viewed in the context of the existing leisure centre, while being subservient in height to the main building. The design of the court is considered to be fairly standard for this type of court and would not be out of place with the character of the leisure centre. Consequently, the proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the street scene. The highways access and parking arrangement will remain unchanged and is considered acceptable. Therefore, the proposal complies with the above mentioned policy.

Neighbouring amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.

The location of the proposal is surrounded on all sides by the existing leisure centre, while being further away than the existing outdoor pitches from the surrounding residential dwellings. Furthermore, the Council's Environmental Protection Officer has raised no objection and recommended conditions on hours of construction and hours of use. As such it can be reasonably concluded that the proposal would not cause a significant detrimental impact upon neighbouring amenities.

Other Matters

Burgess Hill Town Council have recommended that any trees removed are replanted. However, the existing patio area does not contain any trees. Nonetheless,

it has been advised by the applicant that additional landscaping will take place on site once the padel tennis court is complete.

Conclusions

The proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the leisure centre. It is not considered to cause a significant detrimental impact upon neighbouring residential amenities, while the proposal would result in improved leisure facilities at The Triangle. Therefore, the proposal is deemed to comply with Policies DP24 and DP26 of the Mid Sussex District Plan, Policy LR3 of the Burgess Hill Neighbourhood Plan and the requirements of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

1. 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.

2. 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.

3. No external materials shall be used other than those specified on the approved plans and application form 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 2014 - 2031.

4. Hours of Use: Use of the court and its lighting shall be restricted to the following hours: 0800 to 2200 hours on any day.

Reason: to protect the amenity of neighbouring premises and to comply with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. 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.

2. 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.
3. Please note that the granting of this planning permission does not exempt the operator from liability for any statutory nuisance (eg noise or artificial light) caused as a result of the use of the court.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan			15.01.2019
Illustration			15.01.2019
Photographs			15.01.2019
Planning Layout	1808-01-001	A	15.01.2019
Sections	1808-01-002	A	15.01.2019
Proposed Floor and Elevations Plan	1808-01-002	A	15.01.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

RECOMMEND APPROVAL however if any trees were removed as part of the application could consideration be given to them being replaced.

Environmental Protection Officer:

DM.19.0165 Padel Tennis Court, Triangle Leisure Centre, BH

Regarding this application, there is potential for negative effect on amenity from:

Noise caused by users of the facility due to shouting, ball impact etc. However given the nature of the site ie leisure centre and the proximity of other outdoor sports facilities, this is only likely to be an issue very early in the morning or late at night.

Artificial Lighting may affect amenity when used very early or late, so I recommend that a suitable condition can be used to control this via hours of use restriction.

The court is approximately 110m from the nearest residential properties and benefits from some screening due to buildings and trees (which may lose their leaves in winter). The existing floodlit outdoor courts are restricted to being lit only between 0800 and 2200 hours.

Should the application gain approval I recommend the conditions below in order to protect the nearby residential properties:

Conditions:

- Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenity of local residents.

- Hours of Use: Use of the court and its lighting shall be restricted to the following hours:

0800 to 2200 hours on any day

Reason: To protect the amenity of neighbouring premises.

Informative:

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.

Please note that the granting of this planning permission does not exempt the operator from liability for any statutory nuisance (e.g. noise or artificial light) caused as a result of the use of the court.