

<u>No:</u>	BH2022/02972	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Withdean Sports Complex Tongdean Lane Brighton BN1 5JD		
<u>Proposal:</u>	Erection of 3no. canopy-covered padel tennis courts incorporating 12no. floodlights and associated works.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	27.09.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.11.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	01.04.2023
<u>Agent:</u>	Sinclair Watt Architects Ltd Fife KY8 3SR	Quayside House Dock Road Methil	
<u>Applicant:</u>	Mr Peter Gordon St Andrews Square Edinburgh EH2 2AF Scotland		

RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	004	B	10 February 2023
Location Plan	008	-	22 September 2022
Proposed Drawing	-	-	17 January 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

4. i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded, and to comply with policy DM31 of the Brighton & Hove City Plan Part Two.

5. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) measures/objectives to achieve biodiversity net gain;
 - b) detailed designs and/or working method(s) to achieve stated objectives;
 - c) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - d) details of initial aftercare and long-term maintenance;

The EDS shall be implemented in accordance with the approved details prior to first use of the development hereby permitted, and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and policies CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two.

6. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The development shall subsequently be implemented in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two.

7. i) Prior to the installation of the floodlighting hereby approved, details including levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance shall be submitted to the Local Planning Authority for approval in writing.
- ii) Prior to first use of the floodlighting hereby approved, the predicted

illuminance levels (as agreed under part i) of this condition) shall be tested by a competent person to ensure that they are achieved. Where the predicted levels are met, confirmation shall be demonstrated to the Local Planning Authority for approval in writing. Where predicted levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The external lighting shall be installed, operated, and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

8. Prior to the installation of the floodlighting hereby approved, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

i) identify those areas/features on or around the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: To safeguard local wildlife from disturbance and to comply with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 and DM40 of the Brighton & Hove City Plan Part Two.

9. The development hereby permitted shall not be used except between the hours of 08:00 and 22:00 daily.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

SITE LOCATION

The application site is on the eastern edge of the curtilage of Withdean Sports Complex, adjacent to Withdean Road. It is currently an area of hardstanding with a storage container and two toilet blocks on it, and some overflow car parking spaces. There are protected trees surrounding the site on its north, east and south sides. The site is within an Archaeological Notification Area and a Nature Improvement Area.

RELEVANT HISTORY

BH2022/03439 Creation of a small-sided football facility with 4no. pitches, improved drainage and associated features including ball stop fencing and entrance gates, a storage container, 16no. LED floodlights, 3no. covered spectator shelters, cycle parking, hard-standing areas and vehicular access. Approved 8 June 2023

BH2021/02463 Erection of single storey cabin on concrete hardstanding, installation of 5no air conditioning units with separate generator and meter cabinet used as a Data Centre (B8). Erection of 2.4 metre high mesh fence, relocation of existing lamp post, CCTV camera and cycle bars. Construction of access ramp from north boundary. Approved 4 October 2021.

APPLICATION DESCRIPTION

Planning permission is sought for the creation of three sheltered padel tennis courts incorporating fencing and floodlighting.

Each court would measure approximately 20m x 10m and would be enclosed under a protective canopy. Courts 1 and 2 would share a single canopy, whilst Court 3 (positioned perpendicular to the other two in order to avoid protected trees) would have its own canopy. Each court would have fencing to some 3m in height, with a canopy over to a maximum of 10.4m. Each court would also feature four floodlights sited inside the canopies with heights of approximately 6.2m.

The canopies are composed of steel framework with a translucent pressurised textile membrane, which would have a white glossy finish.

The courts would replace an overflow car park at the eastern end of the Withdean Sports Complex. They would be located adjacent to Tongdean Lane, between the main car park in the northeast corner of the complex and a secondary car park in the southeast corner of the site which has recently gained planning permission to be turned into a football pitch.

REPRESENTATIONS

Thirty-seven (37) representations have been received supporting the proposal on the following grounds:

- Improved padel tennis facilities
- Better use of the land
- The proposed development is sufficiently distant from residential dwellings, and visually shielded by trees.
- The covered nature of the development will mitigate light pollution and make use less weather dependent.

Seven (7) representations have been received objecting to the proposal on the following grounds:

- Clarification is needed on what the development will look like
- Clarification is needed on the hours of use of the courts and floodlighting.
- Noise nuisance from court-users
- Removal of the temporary padel tennis court (at the north end of the curtilage) should be a condition of any new planning permission.
- Additional landscaping to conceal/shield the development should be required.

In addition, concerns have been raised regarding harm caused by existing floodlighting and padel tennis facilities located elsewhere within the curtilage of the Sports Complex. These are not relevant to the current proposal so are not given weight in this assessment.

Two (2) representations have been received, making the following comments on the application:

- Noise nuisance and light pollution may occur if the courts are used after 19:00.
- If the application is approved, the temporary court at the north edge of the site should be removed.

CONSULTATIONS

Internal:

Arboriculture - Verbal: No Objection

Comments regarding amended submission

The amended design, showing one court perpendicular to the other two, is appropriate with regards to the root systems of nearby trees.

City Parks: No Objection

Padel Tennis would be an important addition to the city's sports facilities, offering a new sport to the city that has proved to be popular elsewhere. Withead would be a suitable location for the courts, the facilities to support the courts already exist. The addition of this facility would have the potential to get more of the city's residents involved in sports.

Environmental Health: No Objection

The report addresses the requirement for a site specific noise assessment to model the impact of the proposed activity on residential premises, in the style of a BS4142 assessment.

Due to the fact that there is no specific standard or code of practice for this particular activity, the request to use BS4142 (2014 & 2019) which is a method for rating and assessing industrial and commercial sound, was considered appropriate considering the impulsive/impact sound involved with Padel as a sport. The objective methodology measures the activity noise against the background noise with the addition (weighting) of a rating added to describe the 'impulsive' nature of the impact sounds, and the likelihood of causing annoyance to residential premises. The acoustic consultant also made reference to the Sport England design guidance note (2015) for use of artificial pitches with regard to acoustics and planning applications. The consultant also makes reference to the guidance in the Sussex Noise Guidance document 2020 that has been adopted by BHCC.

The proposed 3 No. new courts are enclosed by canopies, unlike the existing court, which is open, and was used as the modelling example. I would comment that the presumption within the report is that providing these canopies will reduce noise escape even further as well as the greater distance from residential premises, but it is unknown whether this could lead to a different acoustic affect that has not been modelled. The applicant may have further evidence from Padel Courts on other sites where this has been proven to reduce noise escape and to what degree.

My observation is that due to the glass sided construction there may be a heating effect of the internal court environment. Details of the ventilation of the structure should be clarified with the applicant and clearly if this necessitated additional mechanical ventilation then this would be ancillary plant and fall under an additional application and related noise impact assessment.

The conclusion of the acoustic report submitted by the applicant's acoustic consultant is that the proposed development should not result in an adverse noise impact to the nearest residential premises. I accept the findings of the report.

The additional suggested sound control measures detailed in item 9.2 of the report should be followed and access and egress of the buildings and general management of the players should be controlled by the Sports Facility.

Policy

No Comment

Sports Facilities: No Objection

The provision of a new padel tennis facility to complement the existing offer at Withdean provides increased opportunities and higher quality facilities to the city.

The proposal would bring a new recreational sporting facility to Brighton & Hove that does not currently exist and will assist in meeting the local demand for such a facility. The need and demand for a padel tennis facility has been demonstrated through the immensely successful usage and participation of the temporary pop up court at Withdean

Sports Complex and supports the objectives of a number of council policy documents and strategies.

Data from Sport England's Active People survey which measures levels of sports participation shows that Brighton and Hove are in the top 25% nationally in terms of participation but satisfaction with local sports facility provision is in the bottom 25%. Supporting enterprising proposals such as a padel tennis centre is one way in which the council can help to redress this imbalance between levels of participation and satisfaction with facilities.

The proposal will also provide a wide range of opportunities to work with schools, community groups and other stakeholders in developing not only the sport of padel but also by promoting the wider health and fitness benefits associated with physical activity. The sport of padel appeals to a wider and more diverse population than more traditional racket sports such as squash or tennis. It is therefore not just a proposal to meet the demands of local padel players but offers physical activity opportunities to other populations within the local community.

Sustainable Drainage: No Objection subject to conditions

Comments regarding initial submission

The information submitted includes the intent to discharge surface water into nearby foul sewers, and no further information. While some additional details may be provided at detailed design phase and controlled by planning condition, further details are requested at this time so that the flood risk from surface water can be properly assessed and the proposed drainage system is adequately described, and its effectiveness demonstrated, within the context of current policy. As such, we cannot recommend this application for approval at this time.

Comments regarding amended submission

The proposed infiltration using the existing soakaway is acceptable. The results of infiltration testing to confirm this can be submitted at the next stage of planning. However, the applicant should be aware that we expect drainage to be sufficient to prevent flooding in a 100 YR+ 40% CC storm and proof of that should be submitted at some point, most likely alongside the infiltration test results. Permission may be granted subject to securing further information by condition.

Transport: No Objection

External:

Brighton and Hove Archaeological Society: Comment

The proposed development lies within an area of archaeological sensitivity. A number of finds from this area has included Palaeolithic flintwork. Among the finds were a number of hand axes. Other finds close by include a crouched burial.

County Archaeology: No Objection subject to conditions

The proposed development is within an Archaeological Notification Area associated with a medieval & post medieval hamlet and human burials. Previous research carried out by ourselves in connection with a previous application in the immediate vicinity has shown that the hamlet of Withdean at c. 1800 also existed on the western side of the north-

south road (now Withdean Road) that passed through the village and a group of buildings are illustrated in immediate proximity to the application site. These buildings are at least of 17th-century origin and perhaps medieval in date and it is possible that activity associated with these structures or with the wider settlement may extend into the current application site. Prehistoric burials are also recorded in the wider area.

Unfortunately, although the current application is accompanied by a Heritage Statement, this has not been correctly completed and does not contain sufficient information to demonstrate that any buried archaeological remains will not be impacted by the proposal scheme, nor has the Historic Environment Record been consulted as part of this application. Rather, the application has reused the results of an earlier, out-of-date consultation. However, it seems clear to me from the information submitted elsewhere in this application that works associated with this scheme have the potential to impact on buried archaeological evidence.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.

The written scheme of investigation, which it is suggested by secured by condition, should set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

County Ecology: No Objection subject to conditions

Given the nature of the lights and the canopy, it is not considered that lighting is likely to be an issue for biodiversity. Given the proximity to Withdene & Westdene Woods LNR and Tivoli Copse and Railway Woodland LWS, it would be helpful to see a light spill model and potentially apply a condition to minimise light spill onto surrounding trees, depending on what that model shows.

The Design and Access Statement also says that existing trees will be pruned and retained wherever possible. There doesn't seem to be a tree survey for the scheme, but the DAS includes an extract from a tree report from 2019 and notes that since then, some elms have had to be removed. The DAS also states that any trees lost will be replaced and mentions the potential for low level planting. We would recommend that consideration is given to planting disease resistant elms, and to creating a native hedgerow - species rich would be the best. If allowed to grow to a reasonable height, could help with screening and biodiversity. The applicant should be made aware, with regards to tree pruning, of the need to consider nesting birds.

Sport England: No Objection

The proposal is for the erection of 3no canopy covered padel tennis courts incorporating floodlighting on a hard surfaced part of the site adjacent to the car park areas.

In assessing the proposal against Sport England's objectives, I have consulted with the Lawn Tennis Association (LTA) that has confirmed that it is in full support of the proposal that will make tennis more accessible in accordance with its 'Tennis Opened Up' vision. The LTA says that the development would provide an all year-round facility that would support growth in padel participation in Brighton, giving the local community the opportunity to access an innovative format of tennis that is fun, flexible, and easy to play. It says that the temporary padel court that has been in place at the site has been popular and demonstrated the local demand for such a facility. The addition of this facility at Withdean Sports Centre would also support and enhance the current indoor and outdoor tennis offer at the site.

In light of the above, Sport England considers that the proposal is consistent with the Provide and Enhance objectives and we offer our support to the application.

Sussex Police

The application of lighting to the padel court needs to be sensitively handled in order to ensure that the amenity of residents (particularly those who are younger) is not unduly disturbed by the proposed floodlights which may have the potential to impede into bedroom areas when they are trying to sleep.

As the padel courts will be able to be used all year round due to the implementation of a canopy - in order to protect the amenity of the surrounding residential neighbourhood I would ask that ongoing reasonable hours are implemented as a condition of planning. This will ensure that residents are not unduly disturbed late into the night or early in the morning by those seeking to use the recreational sports facilities.

MATERIAL CONSIDERATIONS

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable Transport
CP10 Biodiversity
CP11 Flood Risk
CP12 Urban Design
CP15 Heritage
CP17 Sports Provision
CP18 Healthy City

Brighton & Hove City Plan Part Two

DM9 Community Facilities
DM18 High quality design and places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM37 Green Infrastructure and Nature Conservation
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM41 Polluted sites, hazardous substances & land stability
DM42 Protecting the Water Environment
DM43 Sustainable Drainage

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and business-users; on highway safety; and on local biodiversity.

Principle of Development

The proposed development would significantly improve the padel tennis offer the site (and City) currently provides. This would be in accordance with the aims of policy CP17 of the CPP1 which states that “*the council will safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces...*”

Padel tennis has proven to be a popular sport, as demonstrated by the regular bookings of the single Padel tennis court at Withdean Sports Complex, and the proposed development is therefore considered likely to meet an identified need. The existing court causes concerns for local residents due to its proximity to nearby dwellings and the associated noise impact, so it would be to the benefit of all parties for permanent courts to be established at a greater distance, allowing the existing court to be removed.

The loss of the carparking provided on the site is not of concern, as set out below in relation to Transport issues.

On this basis, there is no objection to the principle of development in this instance.

Impact on Amenities

As noted above, the existing padel tennis court has been the subject of noise-related complaints, and it is considered that the proposed development would see three times

as much use. There is therefore the potential for noise impacts for local residents. However, the potential impact would be mitigated somewhat by the proposed canopies which would help to contain some noise emissions, as well as the distance between the courts and the closest residential dwellings which are some 90m away.

Superficially, Windsor Court lies approximately 90m east of the proposed development and is separated from it the railway line, which is on raised ground which itself would provide a buffer. It is considered that at this distance, and with the railway corridor the noise impact from the padel tennis courts would not be significant.

A similar distance north of the site are several houses on Tongdean Lane that may be sensitive to noise. The site is separated from these dwellings by the Sports Complex car park and trees. Again, at this distance, and with the carpark between the noise impacts are considered to be acceptable. The conclusion of the Acoustic Assessment submitted with the application is that the proposed development would not result in adverse noise impacts for the nearest residential premises, a conclusion agreed by the Council's Environmental Health team.

On this basis, and subject to limiting the hours of use to 08:00 to 22:00 daily, the noise impacts from the scheme are considered to be acceptable. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Concerns have been raised regarding the potential for the floodlighting to cause harm through light pollution, in terms of impacts both on neighbouring residents and local biodiversity. As abovementioned, the three courts are enclosed under canopies and therefore the floodlighting (which is also enclosed) is unlikely to result in any direct light being shone at the nearest properties, which are approximately 90m away and separated from the site by trees.

Though the risk of harm is considered acceptable in principle, it is considered necessary to grant permission only subject to a condition requiring further details of the floodlighting confirming the illuminance levels and likely light spill, so that this can be secured in the event of harm in the future. This will apply not only to the nearest residential buildings but also to the nearby trees which provide habitat for creatures that may be detrimentally impacted upon by increased illumination. The further information will need to include the hours of use of the floodlighting, which is information that has been requested in the representations received.

Given the separation distances, the proposed development would not cause any significant impacts in terms of loss of outlook, light or privacy because they would be a significant distance from any residential properties.

Impact on the Public Highway

The proposed development would result in the loss of the space as an overflow car park. Transport officers have not objected to the scheme, and given the derelict appearance of the site at the time of the site visit it is considered likely that it has not been used regularly for parking for some time, so its loss would not detrimentally impact on the parking provision of the wider site.

Design and Appearance

The proposed courts are functional in design but would not appear out of place within their setting, which is within the grounds of a dedicated sports complex. The site is surrounded by mature trees that would mitigate the visual impact of the courts, limiting off-site views.

There are therefore no significant concerns with the appearance of the development

Other Considerations

The site lies within an archaeological notification area. The County Archaeologist has confirmed that subject to a planning condition requiring a scheme of investigation, and for findings to be sent to them, that the works should be acceptable in principle.

The Council is seeking to improve drainage conditions on the site and have requested that sustainable drainage methods are introduced in order to reduce the amount of water being discharged into the sewers. A surface water drainage scheme shall be secured by condition in order to achieve this.

The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. Given the nature of the application it is not considered that bee or swift bricks would be successful, but there is potential for improvements elsewhere on the site. An ecological design strategy shall be secured by condition, so the development is in accordance with policy DM37 of the CPP2, which requires a biodiversity net gain.

The site is surrounded by trees and while the development is considered likely to be deliverable in a manner that would retain them, further details such as a Tree Protection Plan and Arboricultural Method Statement would be secured by condition to ensure that development is undertaken in such a way as to safeguard the health of the surrounding trees during the construction process.

It has been requested that in the event planning permission is granted, that it should be subject to a condition requiring the existing Padel tennis court, within the wider Withdean Sports Complex, be removed. It is not considered that such a condition would meet the six tests within paragraph 56 of the NPPF, since the proposed development is considered acceptable whether or not the existing court is removed. The applicant has confirmed verbally that it is their intention to remove the existing court in the event the proposed development can commence.

Conclusion

The proposed development is considered to be acceptable in principle, and in terms of its appearance and the impacts it is anticipated to have on the amenities of local residents. Planning conditions shall be included to safeguard the existing trees and habitats, and the amenities of local residents, improve local biodiversity and surface water drainage provision, and ensure monitoring of any ancient remains that may be present. For the foregoing reasons the proposal is considered to be in accordance with policies CP9, CP10, CP11, CP12, CP15, CP17 and CP18 of the Brighton and Hove City Plan Part One, and DM9, DM20, DM22, DM31, DM35, DM37, DM30, DM42 and DM43 of the City Plan Part Two.

EQUALITIES

None identified.

CLIMATE CHANGE/BIODIVERSITY

The proposed development has been redesigned, re-siting one of the courts to minimise the impact on the root systems of the adjacent trees. These trees contribute to local biodiversity and mitigate against climate change and shall be safeguarded by condition.

Further details on the floodlighting shall be secured by condition to ensure light spill is minimised in the interest of safeguarding adjacent habitats.

Re-use of an existing site for a new purpose will reduce pressure on undeveloped land for sports use and the subsequent environmental impact. The application site is in a highly sustainable location in terms of transport, with bus routes and Preston Park Railway Station within walking distance.

