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## Appeal Decision

Site visit made on 2 December 2014

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 January 2015**

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**Appeal Ref: APP/Z3825/A/14/2226563**

**Steyping Sports Centre, Horsham Road, Steyping, West Sussex BN44 3AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Comber (Friends of Memorial Playing Field) against the decision of Horsham District Council.
  - The application Ref DC/13/1296, dated 10 July 2013, was refused by notice dated 4 July 2014.
  - The development proposed is for "full planning application for construction of a concrete skatepark in the car park at rear of Steyping Leisure Centre, together with the installation of 20 replacement car parking spaces."
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### Decision

1. The appeal is allowed and planning permission is granted for "full planning application for construction of a concrete skatepark in the car park at rear of Steyping Leisure Centre, together with the installation of 20 replacement car parking spaces" at Steyping Sports Centre, Horsham Road, Steyping, West Sussex BN44 3AA in accordance with the terms of the application, Ref DC/13/1296, dated 10 July 2013, subject to the following conditions on the attached schedule.

### Application for costs

2. An application for costs was made by Mr Peter Comber (Friends of Memorial Playing Fields) against Horsham District Council. This application will be the subject of a separate Decision.

### Main Issue

3. The main issue is whether the proposal would result in actual or perceived opportunities for crime or antisocial behaviour on the site or surrounding area.

### Reasons

4. The appeal site comprises part of the car park serving Steyping Leisure (Sports) Centre and adjoining grassed areas serving Steyping Grammar School and Sixth Form College. The part of the car park that would be developed for the skate park itself adjoins the leisure centre and the all-weather sports pitches and tennis courts, along with hard surfaced access ways, serving the school. The main grassed area of the appeal site is indicated to be used as an 'outfield' for a rounders pitch and a buffer area around an adjoining long jump pit. There are grassed school sports pitches to the north of the appeal site and the main school buildings are located to the south and east of it beyond the all-

weather sports pitches and tennis courts. Further vehicle parking, including coach parking, lies to the south of the centre where there is also a Youth Club facility and an entrance into the School.

5. The skate park would have 'quarter pipe' transitions at each end of the main concreted part of it which would be set into the existing ground level by approximately 1m. The exact detailed design has not yet been finalised but would include a mini ramp, steps, ramps and street features. An anti-climb 'weld-mesh' fence, 2.8m in height, would enclose the facility along with a lockable metal frame gate. There would be a viewing and waiting area provided within the north part of the skate park whilst the entrance to the site would be in its northwest corner. The appellant has offered to lock up the facility during school hours up to 1530 hours and again before it gets dark. Other parts of the appeal site, the grassed areas, would be used for the car parking displaced by the park.
6. The skate park would be located to the side of the leisure centre where surveillance of it from the leisure centre would be limited by reason of its lack of openings to the side and rear. However, this lack of visibility would be offset by the location of the facility within a car park where a significant amount of comings and goings would be reasonably expected to occur with people parking and walking to the leisure centre. Whilst I appreciate that it is not the role of the school to provide a deterrent to crime or anti-social behaviour, it is an inevitable consequence that the everyday school use of the outside sports facilities would also provide some passive surveillance from students and teachers. By its nature, such passive surveillance would not incur extra staff resource. This passive surveillance would extend to weekends and after school because the existing pitches are also used by the local community and the school operates a number of after school clubs. For these reasons, the skate park would not be significantly hidden away from view during the day so as to attract crime or anti-social behaviour.
7. Crucially, the Sussex Police Crime Prevention Design Adviser advises that there is good open surveillance from the all-weather pitches and surrounding area and has raised no objection to the proposal with regard to actual crime or anti-social behaviour. The adviser originally objected to the proposal with concerns regarding the access points into the skate park between car parking spaces and resultant pedestrian/vehicle user conflicts, with implications for crime and anti-social behaviour. However, it is clear in his letter dated 9 May 2014 that, following amendments, no objections are being raised with regard to section 17 of the Crime and Disorder Act 1998 subject to a condition requiring satisfactory signing and speed humps to slow down drivers into the remaining area of car park.
8. The risk of people crossing through the school to the skate park has been referred to. Nevertheless, given the appeal site's location to the north of Steyning, a route through the school would not be the most attractive option to access the skate park for most people. The appellant has further indicated that a management plan would be drawn up to direct users to the best routes to access the facility. This would clearly avoid routes through the school. The plan would also involve the appointment of a youth worker to oversee the operation of the park and address any issues of this nature, if they occurred. Such a management plan could be conditioned to ensure these requirements come into effect. For these reasons, the risk of trespass, with damage to

- school property and assets would not be significant. In this regard, the Sussex Police Crime Prevention Design Adviser has raised no objection to the proposal on crime grounds.
9. As regards the perceptions of crime or anti-social behaviour, it is appreciated that being able to see activities helps people feel comfortable whereas secluded or hard to see areas make people cautious and hesitant. The Council has referred to the tucked away location of the skate park beyond the leisure centre. Nevertheless, this discreteness would only be really apparent to people approaching the facility along the access directly in front of the leisure centre or the access way within the school grounds alongside the centre. In any case, the park would not be isolated, being close to the leisure centre and the school with its sporting facilities. Over time, its location would become familiar to people using the leisure centre and school, including its facilities, on a regular basis. On this basis, any increased perceptions of crime and anti-social behaviour would be unlikely to be significant for people.
  10. The school, along with the County Council in its capacity as an education provider, have objected to the proposal with regard to its safeguarding obligations for children. The school caters for students aged 11-18 and a roll number of just over 2,000 students was forecast for 2013. Further reference has been made to the Children's Act and Department For Education (DFE) guidance and the 'duty of care' responsibilities to ensure the safety and safeguarding of students in the school's care. However, for the reasons previously stated, there would be no significant risk to actual or perceived risk of crime or anti-social behaviour and accordingly, there would be no conflict with the requirements of the section 17 of the Crime and Disorder Act 1998. Furthermore, the facility would be designed to attract recreational users rather people intent on jeopardising student safety and welfare. In any case, the appellant proposes to shut the facility during school time up to 1530 hours.
  11. Paragraph 69 of the National Planning Policy Framework (the Framework) requires planning to play an important role in facilitating social interaction and creating healthy, inclusive communities. The location of the facility within the leisure centre car park would encourage social interaction between members of the community using the leisure centre, sports pitches and indeed the school who might not otherwise come into contact with one another. It has also not been disputed by the Council that there is a need for such a facility for the community and the skate park would also provide for inline skating and BMX stunt riding. For the reasons previously stated, there is also nothing to suggest that quality of life or community cohesion would be undermined through crime and disorder, or the fear of crime. Therefore, the development would accord with paragraph 69 of the Framework.
  12. In conclusion, the development would not result in actual or perceived opportunities for crime or anti-social behaviour. Accordingly, the proposal would comply with Policy DC9 of the Horsham District Local Development Framework General Development Control Policies 2007, which amongst other matters, requires development not to cause unacceptable harm to the amenity of occupier/users of nearby property and land, and for measures to reduce any actual or perceived opportunities for crime or antisocial behaviour.

*Other matters*

13. It has been stated that increased noise from the skate park would conflict with a quiet learning environment and examination programme at the school. However, the appellant's acoustic report titled "Proposed Skatepark at Steyning Leisure Centre", dated January 2014, indicates that noise levels would be below that of background levels as assessed at the most sensitive times of day. This assessment is in accordance with recognised guidelines and the conclusions of the report are accepted by the Council's Public Health and Licensing Department. On this basis, there is no evidence to suggest that there would be any significant noise nuisance.
14. Reference has been made to disturbance to students arising from the use of the skate park, the possibility of students using the facility during school times and the resultant diversion of limited staff resources. Although students using this facility could be discouraged, there could be issues arising from students viewing the facility when in use and staff disruption given its close proximity to the school. However, the appellant has accepted that the facility would be shut during school times up to 1530 hours. The school operates beyond these hours but it would be reasonable to conclude that this avoids its main core hours of use and to a large extent these issues.
15. Paragraph 72 of the Framework attaches great importance to ensuring that a sufficient choice places is available to meet the needs of existing and new communities. It states that great weight should be given to the need to create, expand or alter schools. Both the school and the County Council, have commented on the prejudice to a 5-10 year rolling programme of improvement of buildings. There has been a recently submitted bid to DFE's PSB2 funding stream to replace teaching huts with modern classrooms. Whilst it is appreciated the proposal would introduce new development alongside the school, there is no detailed evidence to indicate that the proposal would impede or indeed prevent the development needs of school in conflict with paragraph 72.
16. The replacement car parking would be on part of the school's outside sport area. The school has stated that it has just over 9 hectares of playing field whereas DFE guidelines 'Advice on the Protection of School Playing Fields and Public Land' indicate a need of 12 hectares. The school has also indicated that the land in question is planned for a high jump facility and cricket nets. Nevertheless, Sport England, as a statutory consultee, on such matters, has advised that the proposal is acceptable and that the proposed development does not affect a playing pitch or land capable of forming a pitch or loss of other sporting/ancillary facilities on the site. I appreciate that the school could expand taking on more students which would necessitate further sports provision. However the grassed area for the replacement car parking is largely constrained by its siting between car parking areas and the existing long jump area limiting its usefulness. For these reasons, the loss of the grassed area would not be significant in terms of sports provision.
17. Reference has been made to the congested nature of the car park and the risk of conflict between skate park and vehicle users. However, since the original submission, the entrance to the site has been amended to minimise the risk of such conflicts. Two speed bumps would also be incorporated to slow vehicles down coming into the car park area. The narrowness of the pavement along

Horsham Road would also not be so great as to encourage walking on the road where there would be a risk to highway safety. For some skate park users, there would be an option in any case to use Coxham Lane which would avoid some parts of Horsham Road. On this basis, I find no reason to differ from the advice of West Sussex County Council Highways, the West Sussex Police and the Royal Society for Prevention of Accidents who have raised no objections to the proposal from a safety point of view.

18. Another planning application was submitted for a skate park within Steyning which was later withdrawn. A local poll was undertaken on resident's preferences for the two different located skate parks. However, this proposal has been considered on its merits taking into account its context and for the reasons given I have found it to be acceptable.

### **Conditions**

19. Suggested conditions have been considered in light of advice contained in Planning Practice Guidance; for clarity and to ensure compliance with the Guidance, I have amended some of the Council's suggested wording.
20. A condition requiring that the development is carried out in accordance with the approved plans is necessary in the interests of the proper planning and for the avoidance of doubt. In the interests of the visual appearance of the area, a condition requiring planning permission for any external lighting or floodlighting is necessary. In the Council's condition, this requirement is subject to a provision unless the prior written approval of the local planning authority has been obtained. This has been omitted as it makes the condition imprecise.
21. By reason of visual appearance, conditions are required to secure full details of all structures within the skate park and materials to be used in its construction. In the interests of highway safety, conditions are required to secure and implement a construction management plan and speed bumps. In respect of the construction management plan, the suggested condition lacks some detail on any requirements and a more detailed condition has been imposed setting these out.
22. An operational management plan to secure and implement details of the arrangements for the signage of the facility showing opening times, emergency contact names and maintenance arrangements for the site has been imposed. Although not referred to in the Council's suggested condition, details of measures to direct users to the safest routes through the town to access the facility and the arrangements and responsibilities of a Youth Worker have been added. Such a plan, with these requirements, is necessary in the interests of ensuring the neighbourly and responsible operation of the facility given its location adjacent to a school and leisure centre.
23. Within this condition, a requirement for the control of opening times would also be necessary given the proximity of the school. I see no reason why this cannot be agreed through a condition such as this given the appellant's acceptance of the closure of the facility during the main school operating times.

**Conclusion**

24. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Jonathon Parsons*

INSPECTOR

### **Attached conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: LCCP/01; LCCP/02 rev B; LCCP/03 rev A and LCCP/04.
3. No additional external lighting or floodlighting shall be erected within the site.
4. No development shall take place until full details of the location and design of the structures within skate park have been submitted to and approved in writing by the local planning authority. The skate park shall thereafter be installed in accordance with the approved details.
5. No development shall take place until a schedule of materials, including finishes and colours, along with samples of such materials, to be used in the external surfaces of skate park, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. No development shall take place, until a Construction Management Plan, has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in the constructing of the development;
  - iv) the erection and maintenance of security hoarding;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from construction works.
7. No development shall take place, until details of the design of the speed humps to be located at each end of the existing access road to the car park have been submitted to and approved in writing by the local planning authority. The speed humps shall be completed prior to the commencement of development.
8. No development shall take place, until details of the operational management plan have been submitted to and approved in writing by the local planning authority. The skate park shall be operated strictly in accordance with this plan. The plan shall include details of:
  - i) the signage to be erected (displaying hours of use, appropriate use, emergency contact numbers and how to report defects);

- ii) maintenance arrangements for the site;
- iii) measures to direct users along the best routes to the facility;
- iv) arrangements and responsibilities for a Youth Worker;
- v) hours of use of the skate park.