

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: EP/7/26/S73

LOCATION: East Preston Football Club
The Lashmar
East Preston
BN16 1ES

PROPOSAL: Variation of conditions 2 and 3 following the grant of EP/29/25/PL concerning approved plans and floodlight details.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application seeks the variation of conditions 2 and 3 attached to EP/29/25/PL so as to refer to different types of lighting units to those approved previously.

RELEVANT SITE HISTORY

ep/29/25/pl	Installation of a replacement floodlighting system consisting of 16 No. LED floodlights fitted to 8 No. existing 15m columns. This application is in CIL zone 4 and is zero rated.	ApproveConditionally 22-05-25
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EP/71/95 - This application granted the original permission for the floodlighting on site.

EP/29/25/PL - This application granted permission for the replacement of the floodlighting system consisting of 16 No. LED floodlights fitted to 8 No. existing 15m columns. The current application seeks to vary the details of EP/29/25/PL.

REPRESENTATIONS

East Preston Parish Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Existing Open Space.

Potential Susceptibility to Groundwater Flooding >= 75%.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
ENVDM5	ENV DM5 Development and biodiversity

[East Preston Neighbourhood Plan 2014 Policy 11](#) Community Facilities

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. All relevant policies from the East Preston Neighbourhood Development Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose 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."

The proposal is considered to comply with relevant Development Plan policies in that it would sustain and enhance an existing community sports facility without compromising the amenities of nearby occupiers.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

SECTION 73

As this is a Section 73 application, any new permission granted under this application sits alongside the original permission. In this case, this S73 will sit alongside EP/29/25/PL. The NPPG states that for the purpose of clarity, conditions imposed on the original/earlier permissions that continue to have an effect should be re-imposed (Paragraph: 040 Reference ID: 21a-040-20190723). In accordance with government advice, conditions from EP/29/25/PL have been re-imposed on this permission where necessary. Those which need to be amended to reflect the updated details submitted in support of this application have been amended accordingly.

DESIGN & VISUAL AMENITY

The proposed lighting units would remain the same in number of a similar, functional appearance to those of the previously approved units. There would be no alteration to the appearance of the lighting columns and overall, no significant change to the visual amenity's of the site or area.

The proposal is in accordance with ALP policies D SP1 & D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed lighting units produce a more focussed illumination of the pitch, producing less light spill than those approved previously. Less obtrusive light would be emitted into the surrounding area, and therefore, there would be a reduced level of impact on neighbouring residents than those previously approved. Environmental Health were consulted on both the current and previously approved applications, and have raised no objection in either case.

The lights remain proposed to be operated in the winter months and between 16:00 - 22:00 on Mondays to Fridays, and between 15:00 - 20:00 on weekends. The supporting statement identifies this is the same as the existing hours of operation. As permitted under EP/71/95, the floodlights were required to not be operated past 21:30, so there is a technical breach here. This approval would extend the permitted operating hours to 22:00 (the current hours of operation), however, Environmental Health raised no objections to the extended hours of operation under EP/29/25/PL nor this application, and they are acceptable.

The proposal would have no unacceptable impacts on neighbouring residents with respect to obtrusive light spill and would likely be a betterment over both the existing and previously approved units. The proposal is compliant with policies QE SP1 & QE DM2 of the ALP and conditions have been attached to secure the proposals compliance with the submitted details.

HEALTH & WELLBEING

The proposal would sustain and enhance the existing outdoor recreational facilities and is both compliant and supported by policy HWB SP1 of the ALP, and Policy 11 of the East Preston Neighbourhood

Development Plan.

ECOLOGY

The proposal would result in the floodlighting on site being more directional than both the existing halide units and those units previously approved under EP/29/25/PL. This would result in reduced light spill into the wider environment, including the trees to the south of the site. As such, the proposal would have a lesser impact on local wildlife than both the existing scenario and those recently approved.

The proposal is exempt from Statutory Biodiversity Net Gain and given the very minor nature of the proposal, no obligation for achieving a biodiversity net gain on site is suggested.

The proposal is compliant with policies QE SP1 & ENV DM5 of the ALP.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from 22/05/25 (date of the original permission).

Reason: To comply with Sections 73 & 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan 2025/EPFC/01A
- Block Plans 2025/EPFC/02A.
- Floodlight Elevations 2025/EPFC/03A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 The lighting units hereby approved, shall be installed and operated in accordance with the lighting spill model and details submitted within ('East Preston FC, 0231, Revision A') produced by Wiseman Lighting (Dated: 22/12/2025), and shall remain and operate as such in perpetuity. Should any of the floodlighting units deviate from the lighting spill model and exceed the levels hereby approved, by virtue of fault or otherwise, the lighting unit(s) in question shall cease operation until such a time as the unit(s) is/are brought back into accordance with the lighting spill model and details hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the floodlighting units hereby approved do not result in undue detriment to the residential amenities of neighbouring properties, undue adverse obtrusive light implications on the local environment or character of the area in accordance with policies D SP1, D DM1, QE SP1 & QE DM2 of the Arun Local Plan.

- 4 The floodlighting units hereby approved shall operate only when the pitch they serve is in use, and between the hours of 16:00 - 22:00 on Mondays to Fridays, between 15:00 - 20:00 on Saturdays and Sundays, and at no other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to preserve the residential amenities of nearby residential dwellings and the character of the area in accordance with policies D DM1, QE SP1 & QE DM2 of the Arun Local Plan.

- 5 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.