

MID SUSSEX DISTRICT COUNCIL

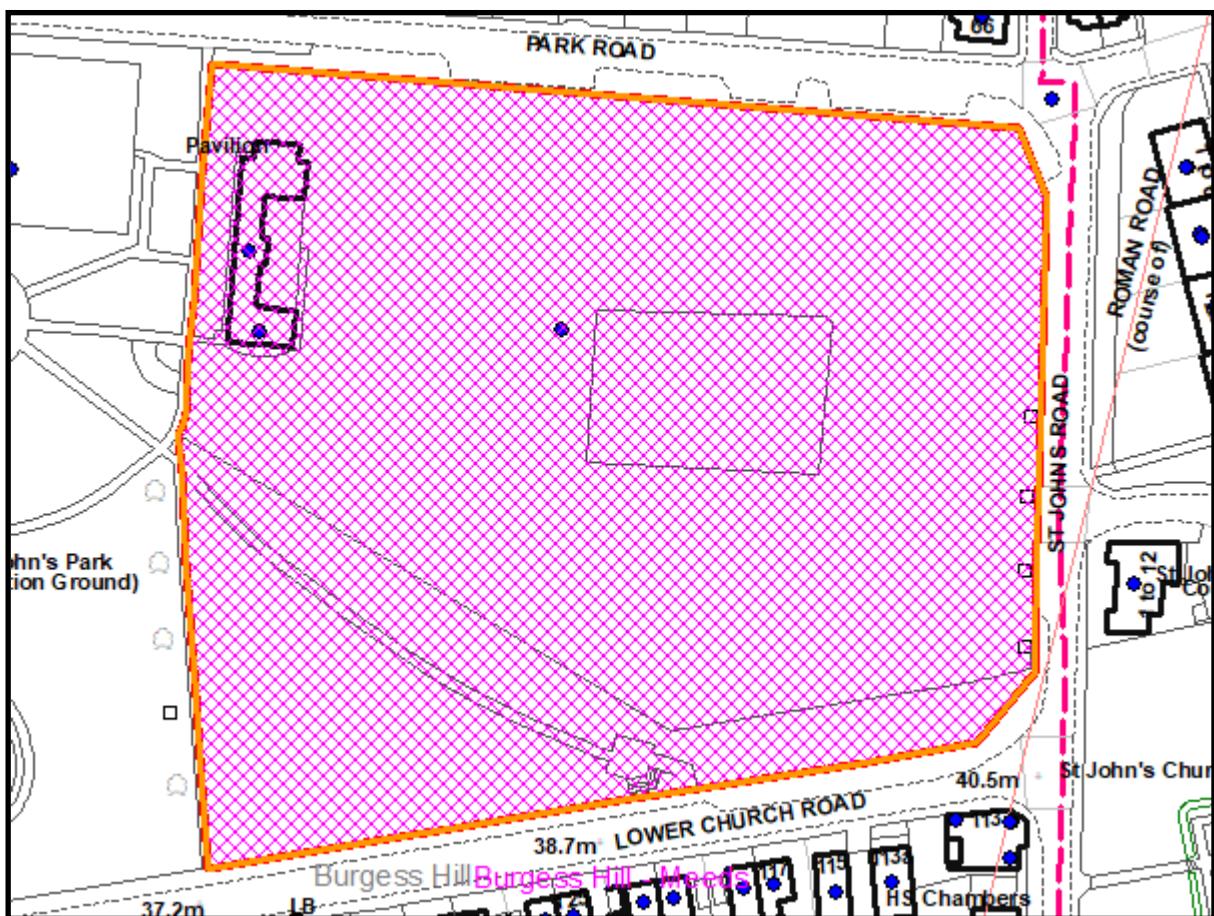
Planning Committee

11 JUN 2020

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/0937



© Crown Copyright and database rights 2019 Ordnance Survey 100021794

**THE PAVILION ST JOHNS PARK PARK ROAD BURGESS HILL
CORNER INFIL EXTENSION TO NORTH SIDE. INSERTION OF BI-FOLD
DOORS TO SOCIAL AREA. ERECTION A OF HYPAR SHADE CANOPY.
MR PAUL WILLIAMS**

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area Boundary / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / SWT Bat Survey / Archaeological Notification Area (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 18th May 2020

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojul Hussain /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the corner infill extension to the north side, insertion of Bi-fold doors to social area and erection of a hypar shade canopy at The Pavilion, St Johns Park, Park Road, Burgess Hill.

The proposal is considered to be of a design, size and scale which is in keeping with the character of the existing building and the wider area while preserving the special character of the Conservation Area. The proposal is not considered to cause significant harm to the amenities of the neighbouring property. It is also considered to be acceptable in terms of its impact on adjacent trees.

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

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Burgess Hill Neighbourhood Plan policies S3 and H1 of the Burgess Hill Neighbourhood Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

Tree Officer

No objection.

Burgess Hill Town Council:

Recommend Approval.

Introduction

Planning permission is sought for the corner infill extension to the north side, insertion of Bi-fold doors to social area and erection of a hypar shade canopy at The Pavilion, St Johns Park, Park Road, Burgess Hill.

The application has been referred to Committee because the building is owned by the District Council.

Relevant Planning History

BH/171/89: CONVERT EXISTING LEAN-TO TO FORM SCORERS ROOM AND SCOREBOARD. PERMISSION

BH/247/82: EXTENSION TO REAR TO INCORPORATE NEW KITCHEN/BAR SPACE AND LADIES TOILET. PERMISSION

BH/151/92: APPLICATION UNDER REGULATION 4 - UPGRADING, REFURBISHMENT AND EXTENSIONS TO EXISTING SPORTS PAVILION. PERMISSION

Site and Surroundings

St Johns Park is located to the south of Park Road, with London Road, Dinnages garage and dwellings along the western boundary of the park. Lower Church Road lies to the southern boundary and St Johns Road to the eastern boundary. The park provides a number of facilities including a cricket pitch and nets, car park, skate park, play area and tennis courts linked by a number of footpaths.

The existing pavilion is located towards the northern edge of the park with the cricket pitch to the eastern (front) of the building and the tennis courts to the western (rear) of the building. The existing pavilion is single storey in nature with brick walls, a pitched clay tile roof with UPVC windows and doors and internally consists of a social area, toilets, kitchen, bar area, changing rooms and a storage area.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Burgess Hill and is within the Conservation Area.

Application Details

The proposal is seeking consent for a corner infill extension to the northern side of the existing pavilion. The proposed infill extension would measure some 3.3 metres in width, by 2.6 metres in depth with an overall height of 2.4 metres. The store extension has been shown to be constructed of facing brickwork to match the existing and a GRP roof.

To the eastern (front) elevation the existing door and windows is to be replaced with bi-fold doors measuring some 3.8 metres in width, by 2.7 metres in height. A hypar shade canopy to the eastern elevation measuring a maximum of some 5.1 metres in width, by 5.65 metres in depth with an overall height of 3.5 metres. The bi-fold doors have been shown to be white powder coated aluminium doors and the hypar shade is constructed of steel columns with a UPVC shade cloth.

The plans also show a 42.5 square metres paved area under the hypar shade and a 1:15 gradient ramped access to the new bi-fold doors and a soft play area.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP24 - Leisure and Cultural Facilities and Activities
DP26 - Character and Design
DP25- Conservation Areas
DP37 - Trees, Woodland and Hedgerows

BURGESS HILL NEIGHBOURHOOD PLAN (made January 2016)

Policy S3 -Protect and Enhance Existing Community and Medical Facilities
Policy H1 - Protecting and Enhancing Heritage Assets and Conservation Areas

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 124 and 127 are considered to be relevant to this application.

Assessment

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) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) of the 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.'

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.

Using this as the starting point, the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Burgess Hill Neighbourhood Plan.

Policy DP24 of the Mid Sussex District Plan in part 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.'

A similar ethos is found within Policy S3 of the Burgess Hill Neighbourhood Plan which in part states:

'The existing community facilities within Burgess Hill are important resources for the local community and should be retained. Support will be given to allocating new facilities or improving existing ones.'

It is considered that the proposal would result in the improvement of the existing facilities. Therefore, the proposal is considered to be in accordance with DP24 of the Mid Sussex District Plan and Policy S3 of the Burgess Hill Neighbourhood Plan and is acceptable in principle.

Character and Design

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 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 infill extension, bifold doors and hpar shade although visible from the public realm, would all be viewed in context of the existing pavilion building while also being subservient to the existing building. The proposed materials are considered to be appropriate and details of these can be secured by a suitably worded condition. The proposal is therefore considered to be of an appropriate design size and scale that is in-keeping with the existing pavilion and that of the wider St Johns Park area.

Impact on the amenities of neighbouring properties

DP26 states:

'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);'

Due to the modest nature of the proposed extensions and alterations, combined with them being set approximately 25 metres from the boundary of the closest residential dwellings it can be reasonably concluded that the proposal would not cause a significant detrimental impact upon neighbouring amenities in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. The proposal is therefore considered to comply with the above mentioned policy.

Conservation Area

The proposed development is located within the Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to Conservation Areas and states: '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*'

Policy DP35 of the Mid Sussex District Plan states (in part):

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*

Development will also protect the setting of the conservation area and in particular views into and out of the area.'

A similar ethos is found within Policy H1 of the Burgess Hill Neighbourhood Plan.

These are modest proposals which are considered to be of an appropriate design, size and scale that is in-keeping with the existing Pavilion and will be viewed in context of the existing Pavilion. The proposal is considered to preserve the character of the Conservation Area in accordance with Policy DP35 of the Mid Sussex District Plan, Policy H1 of the Burgess Hill Neighbourhood Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Council's Tree Officer has been consulted on the application and has no objection to the proposal subject to it being carried out in accordance with the recommendations set out within the tree report submitted as part of this application.

Planning Balance and Conclusions

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The principle of improved community facilities is supported by both the Mid Sussex District Plan and the Burgess Hill Neighbourhood Plan.

The proposals are considered to be of a design, size and scale which are in keeping with the character of the existing building and the wider area while preserving the special character of the Conservation Area. The proposals are not considered to cause significant harm to the amenities of the neighbouring property. It is also considered to be acceptable in terms of their impact on adjacent trees.

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Burgess Hill Neighbourhood Plan policies S3 and H1 of the Burgess Hill Neighbourhood Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and the relevant provisions 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 and Policy H1 of the Neighbourhood Plan.

4. The development hereby permitted shall be carried out in full accordance with the Arboricultural Implications Assessment (CTS-0LN7-aia-01) submitted in relation to this application.

Reason: In the interests of sustainability and to accord with the NPPF and Policy DP37 of the Mid Sussex District Plan.

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.

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			05.03.2020
Site Plan	PL 001		23.03.2020
Existing Floor and Elevations Plan	PL 002		05.03.2020
Proposed Floor Plans	PL 003		05.03.2020
Proposed Floor Plans	PL 004		05.03.2020
Proposed Elevations	PL 005		05.03.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

Trees And Landscape

I have reviewed the above Arboricultural report.

In conclusion, I do not object to the development on arboricultural grounds provided the report as detailed above is fully adhered to throughout the development.

Tree Officer:

I have reviewed the above Arboricultural report.

In conclusion, I do not object to the development on arboricultural grounds provided the report as detailed above is fully adhered to throughout the development.

Burgess Hill Town Council:

OBSERVATIONS: Recommend Approval