

MID SUSSEX DISTRICT COUNCIL

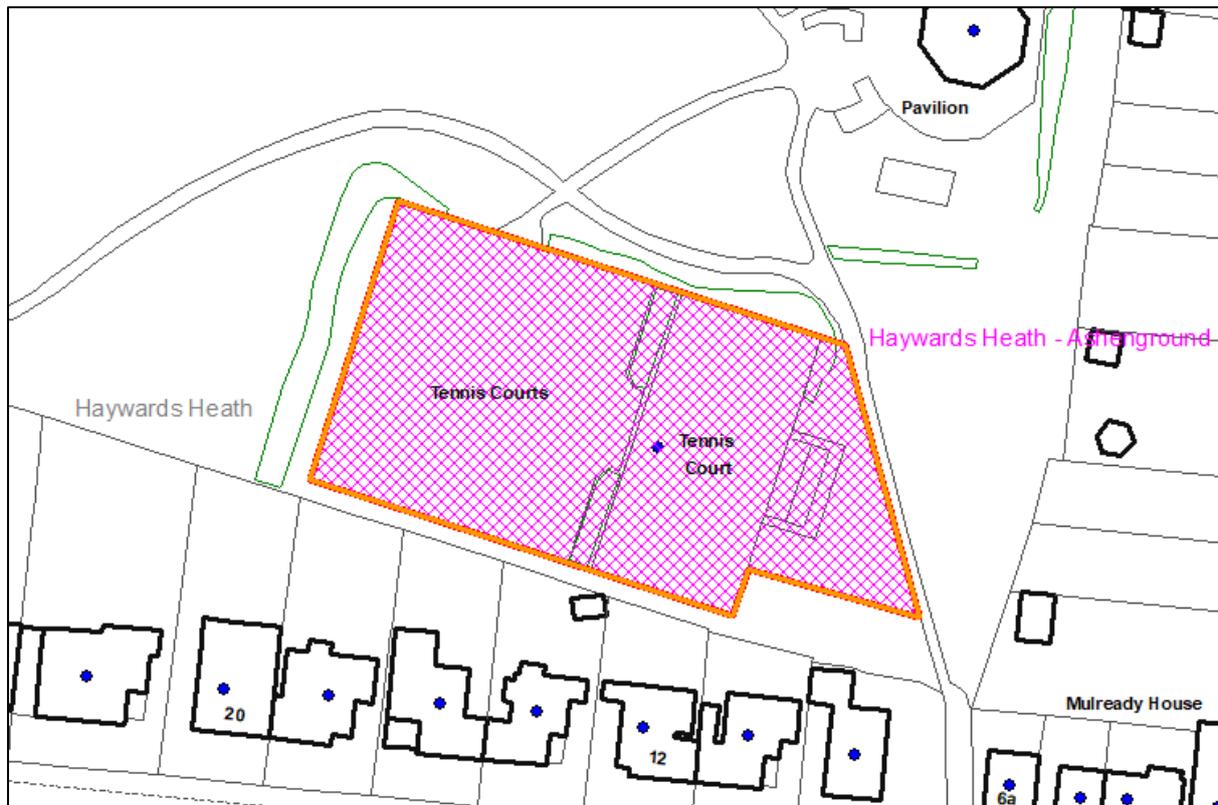
Planning Committee

**24 SEP 2020**

RECOMMENDED FOR PERMISSION

**Haywards Heath**

**DM/20/0883**



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**TENNIS COURTS CLUB HOUSE VICTORIA PARK SOUTH ROAD  
HAYWARDS HEATH  
DEMOLITION OF EXISTING TIMBER FRAMED TENNIS CLUBHOUSE.  
RECONSTRUCT IN BRICKWORK WITH PITCHED ROOF. (REVISED PLANS  
RECEIVED 01/07/2020)  
DAVID TREHARNE**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 30th April 2020

WARD MEMBERS: Cllr Anne Boutrup / Cllr Richard Bates /

CASE OFFICER: Andrew Horrell

### **PURPOSE OF THE REPORT**

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

### **EXECUTIVE SUMMARY**

Planning Permission is sought for the demolition of the existing timber framed clubhouse and the erection of an enlarged clubhouse in brickwork with a pitched roof.

The proposed new clubhouse is considered to be of a design, size and scale appropriate to the site and would not cause significant harm to neighbouring amenities.

The proposed development is therefore deemed to comply with policies DP24 and DP26 of the Mid Sussex District Plan and policies E9 and L9 of the Haywards Heath Neighbourhood Plan.

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

### **RECOMMENDATION**

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

### **SUMMARY OF REPRESENTATIONS**

6 letters of objection were received from neighbours in Park Road to the original plans on the following grounds:

- Overlooking and loss of privacy
- Loss of outlook
- Noise
- Parking
- Loss of park land

Following the submission of revised plans, a further 13 letters of objection on the following grounds:

- Proposed use of clubhouse
- Loss of privacy

- Overlooking
- Noise
- Parking
- Out of character
- Impact on existing path
- Potential of future floodlighting

## **SUMMARY OF CONSULTATIONS**

MSDC Drainage:

*No objection subject to conditions.*

MSDC Environmental Protection:

*No objection subject to condition*

## **HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS**

Notes comments from Messrs Hall & Kenward relating to the aspect/orientation of the proposed building, however HHTC welcomes the application to provide improved accommodation and sporting facilities, supporting health and wellbeing policy objectives for the town.

Consideration for nets to screen the courts could be put up on the court fence to the south of the courts as this would screen 75% of the houses and the small parcel of land to the south of the clubhouse should have trees planted, under the guidance of MSDC tree officers.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays.

HHTC supports this application, subject to its comments outlined above.

Based on revised plans the Town Council stated:

The Town Council notes the submission of revised plans (received by Mid Sussex District Council on 01/07/2020). Members note the resident concerns regarding the siting of this new clubhouse and suggest that consideration be given to using obscure glass in the four high level windows on the rear (south) elevation to let light in. They would also like to see the installation of signage asking users of the clubhouse to leave quietly and to be mindful of neighbouring residents. The Town Council supports this application and apposite comments/observations made previously still apply.

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## **APPLICATION DETAILS**

The application seeks planning permission for the demolition of the existing timber framed clubhouse and the erection of a clubhouse in brickwork with a pitched roof. The application is being reported to committee as the application site is on Mid Sussex owned land.

The existing clubhouse measures 3m in depth, 10m in width with an approximate height of 2.9m.

The proposed clubhouse measures 4.58m in depth ( 5.664m including canopy), 13.080m in width with an approximate height to eaves of 2.6m and an overall height of 4.4m. Two windows are proposed to front elevations, four windows are proposed to elevation and one window proposed to side elevation.

## **RELEVANT PLANNING HISTORY**

CU/218/80 - Proposed Pavilion (approved)

CU/277/81 - Replacement of existing wooden club hut for use as pavilion and changing rooms. (approved)

CU/145/82 - Prefabricated building as club pavilion. (approved)

## **SITE AND SURROUNDINGS**

The existing clubhouse is in the southern end of Victoria Park. The clubhouse is a timber clad flat felt roofed building running parallel to the tennis courts with timber doors and windows.

To the north of the site is Victoria Park, to the south of the park is close boarded fencing to dwellings No.6-12 Park Road beyond, to the east of the site is footpath with woodland to rear gardens of Haywards Road dwellings beyond and to the east of the site is the existing Tennis Courts.

The site is within the built-up area of Haywards Heath.

## **LIST OF POLICIES**

The Development Plan in this part of Mid Sussex consists of the District Plan and the Haywards Heath Neighbourhood Plan.

### **Mid Sussex District Plan**

DP24 (Leisure and Cultural Facilities and Activities)

DP25 (Community Facilities and Leisure Services)

DP26 (Character and Design)

### **Haywards Heath Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 (Design)  
L9 (Playing fields and sporting facilities)

## **National Policy**

National Planning Policy Framework (February 2019)

## **Draft Mid Sussex Design Guide SPD**

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of this application.

## **ASSESSMENT**

The main issues are considered to be the principle of the development, design and scale of the scheme and resulting impact on the character and appearance of the area and the amenities of neighbouring residents.

### **The principle of the development**

Policy DP24 of the Mid Sussex District Plan is deemed relevant to development to leisure facilities and is supportive of proposals for development that would enhance leisure facilities within the District. It 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.'*

*The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.*

*Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council. Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:*

- *an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*

- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.*

A similar ethos is found in Policy L9 of the Haywards Heath Neighbourhood Plan which states:

*'Existing playing fields and sporting facilities within the Plan area shall be retained and where possible enhanced to the benefit of the Town.*

*Should an existing facility come forward for redevelopment for non-sports use, and it is shown the site or facility is not surplus to requirements, the applicant will be required to provide alternative provision within the Plan area before the existing facilities are lost'.*

Policy DP25 of the District Plan is also of relevance and supports proposals that would improve community facilities. It states:

*The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*

*Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:*

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

*The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.*

*Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.*

The proposed replacement pavilion, which enhances the existing facility, is fully supported by the policies of the Development Plan.

### **Scale, design and character impact**

DP26 of the District Plan seeks to ensure that new development is well designed and reflects the character of the locality. It 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;*
- *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.'*

Policy E9 of the Haywards Heath Neighbourhood Plan has a similar ethos and states:

*'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

*Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.*

The existing structure despite its low height is visible from the rear gardens of Park Road (primarily Nos 8 and 10) and partially visible from other rear gardens of that road and Haywards Road although there is established vegetation to the south of the Tennis Courts which partially shields the building. Whilst the proposed face brickwork will modernise its appearance, it is not considered that the building will appear visually obtrusive. The increased size and use of face brickwork should also help the building to be in character with the similar buildings within the park such as the nearby Torys cafe which is characterised by face brickwork. This ensures it

relates sympathetically to the building. It is therefore considered to comply with policy DP26 of the District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

In terms of impact on neighbouring amenities, policy DP26 of the District Plan states that it must be demonstrated that any development 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.

Concerns have been raised in terms of overlooking, loss of privacy and outlook in relation to the neighbouring properties in Park Road. As originally submitted it was proposed to orientate the replacement building so that it was no longer parallel with the adjacent tennis court. Revised plans have been negotiated so that the orientation of the replacement building is now the same as the existing building. With the revised orientation from the original plans, the views toward the neighbours in Park Road will not be increased from the existing clubhouse. Coupled with this, the distance to the most affected dwelling remains the same as the existing with No.10 Park Road is circa 17m from the mutual boundary of the said property and circa 25m from the property itself. With the installation of a front canopy, the level of overlooking will be at oblique angles and not significantly different for the current situation. New close boarded fencing is proposed to be erected at the southern end of the building which together with the existing vegetation to the south of the Tennis Courts, the level of harm is not considered to be significant.

Concerns as to the use of the enlarged clubhouse and impact upon noise has been raised. The applicant has confirmed that the development is to provide a new clubhouse with modern facilities which include electricity and W.C. facilities both of which the current building lacks and to be able to expand the membership of the club by being able to attract new players to improved facilities.

It is understood that the building will be made available for community use but that availability will be limited up to 25% of the time that it is not in use by Haywards Heath Tennis Club. The building could be used for meetings, small social gathering etc but not for parties or anything similar. Availability is to be restricted to between the hours of 9.00am and 6.00pm so that there is no community evening use. The existing building is not used for non tennis related uses and thus these could be controlled by condition so that such uses end at 6pm to protect the amenities of neighbours. Subject to this condition the proposal is considered to be acceptable and it is noted that the Council's Environmental Protection Officer has no objections.

Whilst there could be potential for people to congregate under the proposed canopy, this would only be limited and no louder than existing park and tennis courts and is not a robust reason to resist the proposal.

Coupled with this given the enlarged clubhouse is not linked to the increase of usage of the Tennis courts per se it is unlikely to increase the parking demand from the existing.

Whilst concerns have been raised as to the potential from floodlights to be installed, this is not part of this application and would have to be part of a new application.

## **SUMMARY AND CONCLUSION**

Planning Permission is sought for the demolition of the existing timber framed clubhouse and the erection of a clubhouse in brickwork with a pitched roof. The existing clubhouse is in the southern end of Victoria Park running parallel to the tennis courts with timber doors and windows.

The existing clubhouse measures 3m in depth, 10m in width with an approximate height of 2.9m.

The proposed clubhouse measures 5.664m in depth (including canopy), 13.080m in width with an approximate height to eaves of 2.6m and an overall height of 4.4m.

The proposed development complies with policies DP24, DP25 and DP26 of the Mid Sussex District Plan and policies E9 and L9 of the Haywards Heath Neighbourhood Plan which support the provision of well designed, enhanced leisure and cultural facilities. The new clubhouse is not considered to cause significant harm to the amenities of neighbouring residents.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. 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.

### **Approved Plans**

2. 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.

3. No external materials shall be used other than those specified on the approved plans 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.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been

submitted to and approved in writing by the local planning authority. The extension/building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the District Plan (2014 - 2031)

5. No part of any concrete foundations and no construction activities shall be within 4 metres of any drain (centreline), culvert (centreline) or watercourse (top of bank).

Reason: In the interests of protecting the natural environment

6. Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase 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 accord with MSDC Policy DP29: Noise, Air and Light Pollution

7. Non Tennis Club community use of approved clubhouse shall not take place other than between the hours of 9.00am and 6.00pm.

Reason: To protect neighbouring amenities in terms of noise pollution to accord with policies DP26 and DP29 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Existing Site Plan			05.03.2020
Location and Block Plan		A	01.07.2020
Proposed Floor Plans		A	01.07.2020
Proposed Elevations		A	01.07.2020
Existing Floor and Elevations Plan			02.03.2020

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Town Council notes the submission of revised plans (received by Mid Sussex District Council on 01/07/2020). Members note the resident concerns regarding the siting of this new clubhouse and suggest that consideration be given to using obscure glass in the four high level windows on the rear (south) elevation to let light in. They would also like to see the installation of signage asking users of the clubhouse to leave quietly and to be mindful of neighbouring residents.

The Town Council supports this application and apposite comments/observations made previously still apply. For the avoidance of doubt, the Town Council reiterates its original representation, which was submitted on 31/03/2020:

'Notes comments from Messrs Hall & Kenward relating to the aspect/orientation of the proposed building, however HHTC welcomes the application to provide improved accommodation and sporting facilities, supporting health and wellbeing policy objectives for the town.

Consideration for nets to screen the courts could be put up on the court fence to the south of the courts as this would screen 75% of the houses and the small parcel of land to the south of the clubhouse should have trees planted, under the guidance of MSDC tree officers.

Construction hours restrictions M-F 08:00 to 18:00 Sat 09:00-13:00 no work Sunday or Public holidays.

HHTC supports this application, subject to its comments outlined above.'