

MID SUSSEX DISTRICT COUNCIL

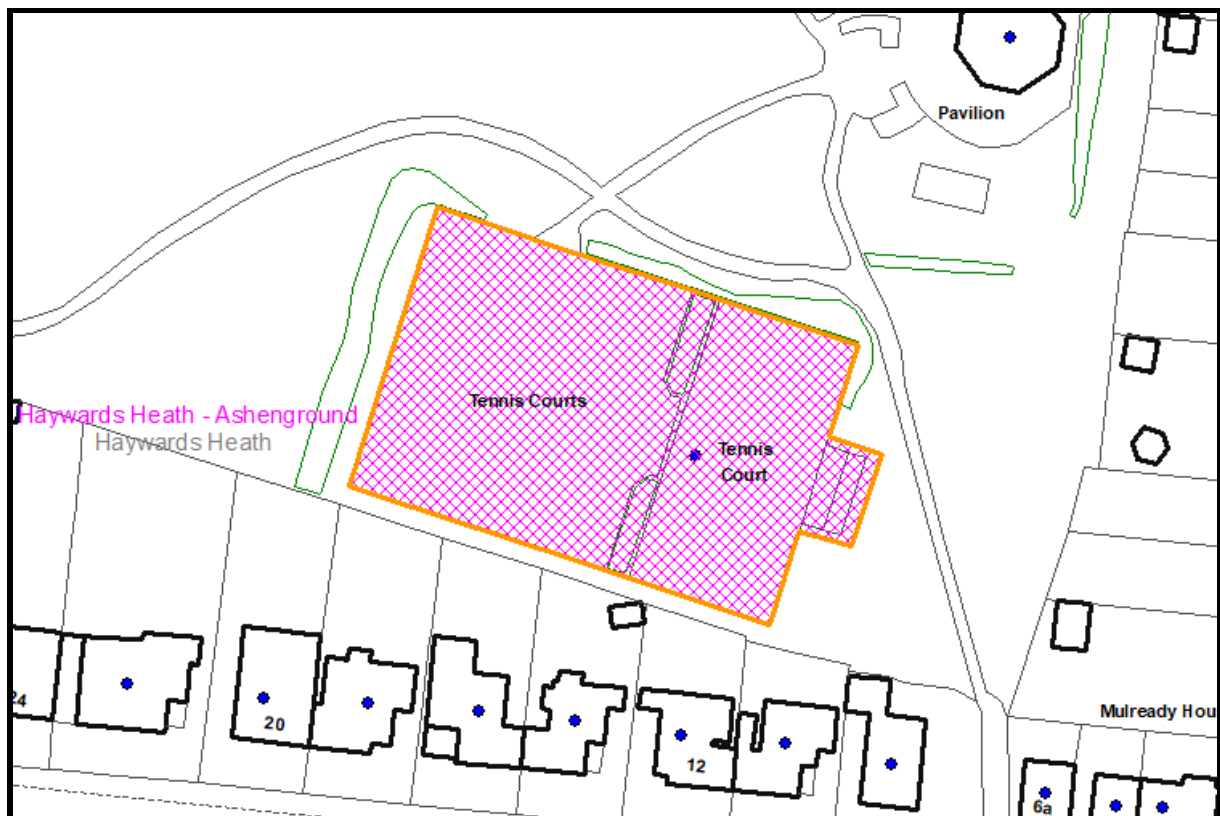
Planning Committee

12 MAY 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/0860



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**TENNIS COURTS VICTORIA PARK SOUTH ROAD HAYWARDS HEATH
WEST SUSSEX**

**PROPOSAL IS TO RETAIN THE EXISTING TIMBER FRAMED
CLUBHOUSE WITH MINOR ELEVATIONAL CHANGES TO
INCORPORATE NEW WINDOWS AND DOORS.
MR DAVID TREHARNE**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Other

8 WEEK DATE: 17th May 2022

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 refurbishment of the existing clubhouse.

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

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

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

Haywards Heath Town Council:

'The Town Council SUPPORTS this application, and obviously shares the applicants' disappointment that their original aspiration to deliver a larger, improved clubhouse could not be delivered for financial reasons.'

MSDC Estates:

No comment

INTRODUCTION

The application seeks planning permission for the refurbishment of the existing timber framed clubhouse.

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)

DM/20/0883 - Demolition of existing timber framed Tennis Clubhouse. Reconstruct in brickwork with pitched roof. (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 a footpath with woodland to the rear gardens of Haywards Road dwellings beyond and to the west of the site is the existing Tennis Courts.

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

APPLICATION DETAILS

The existing clubhouse is to be modernised.

External alterations include:

- new doors suitable for disabled access and windows
- new roof coverings and guttering
- timber cladding to the building to be replaced with Cedral shiplap cladding.
- the replacement of external new paved spectator area to the front to provide level threshold access at doorways for wheelchairs.

Internal alterations to include:

- the provision an electricity supply for lighting and power internally and for water heating
- Install a unisex and disabled compliant W.C. for use by members and visitors
- Renewal of selected internal finishes and relocation of the existing kitchen
- Minor drainage alterations to allow for the proposed internal changes.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Section 38(6) 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.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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 for this part of Mid Sussex consists of the District Plan (DP) and Haywards Heath Neighbourhood Plan (HHNP).

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP24 (Leisure and Cultural Facilities and Activities)
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)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted 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 was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Policy

National Planning Policy Framework (July 2021)

ASSESSMENT

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

Scale, design and character impact

DP26 of the 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;*
- *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 proposal is to be set within the public park and would be seen in context with the tennis courts. The proposal is for a refurbishment of the existing building and therefore it is considered that the proposal would not cause harm to the character of the area. The changes to the building are modest and there is no conflict with Principle DG38 in the Design Guide SPD.

Policy DP24 of the Mid Sussex District Plan is deemed relevant to development to leisure facilities. 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'.

The nature of the proposal is to modernise the existing clubhouse, this means the proposed complies with DP24 of the Mid Sussex District Plan and policy L9 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.

Given the nature of the proposal, significant harm to neighbouring amenities would not be caused.

CONCLUSION

The proposed development complies with policies DP24 and DP26 of the Mid Sussex District Plan as well as policies E9 and L9 of the Haywards Heath Neighbourhood Plan.

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

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.

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 and Block Plan | - | B | 15.03.2022 |
| Existing Floor and Elevations Plan | - | - | 15.03.2022 |
| Proposed Floor and Elevations Plan | - | - | 15.03.2022 |
| Planning Layout | - | - | 15.03.2022 |
| Planning Statement | - | - | 15.03.2022 |

APPENDIX B – CONSULTATIONS

Parish Consultation

The Town Council SUPPORTS this application, and obviously shares the applicants' disappointment that their original aspiration to deliver a larger, improved clubhouse could not be delivered for financial reasons.