

MID SUSSEX DISTRICT COUNCIL

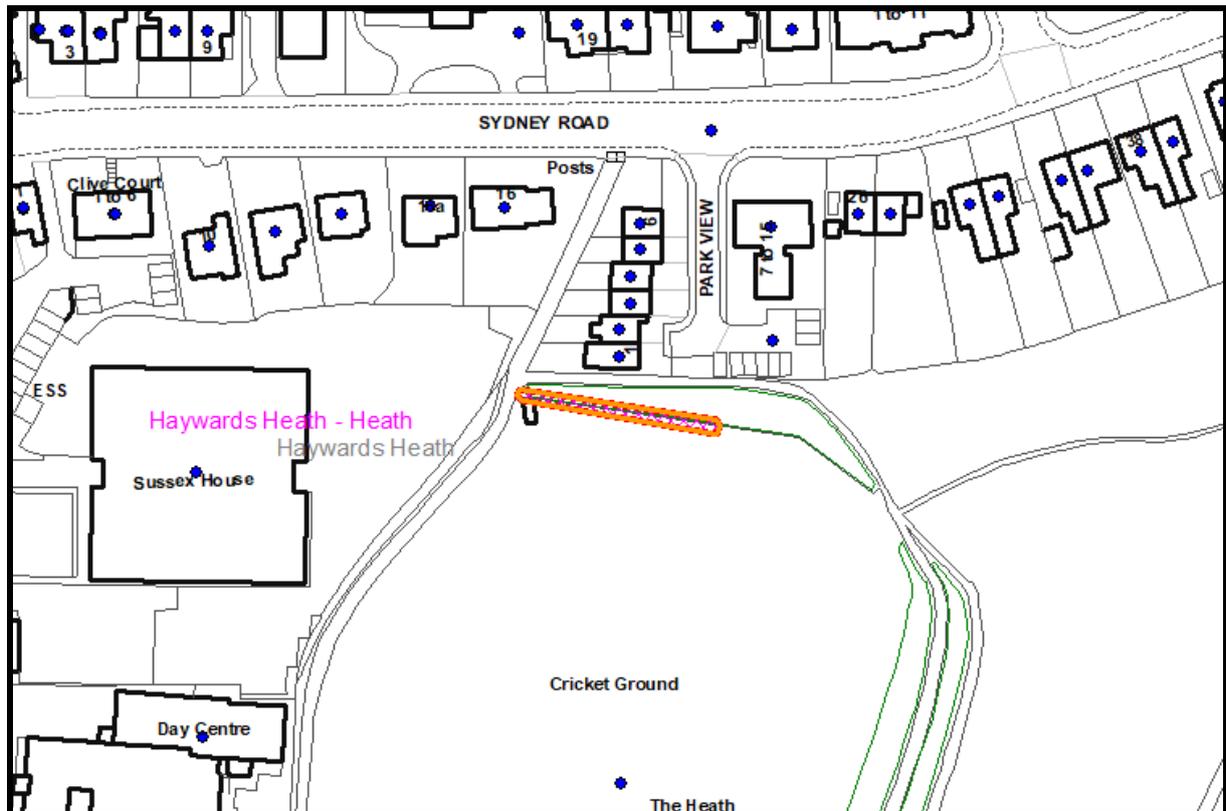
Planning Committee

12 NOV 2020

RECOMMENDED FOR PERMISSION

**Haywards Heath**

DM/20/2976



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**THE HEATH RECREATION GROUND PERRYMOUNT ROAD HAYWARDS  
HEATH WEST SUSSEX RH16 1DF  
TO INSTALL A 40M X 8M HIGH BALL STOP FENCE ALONG THE  
NORTHERN BOUNDARY OF HAYWARDS HEATH CRICKET PITCH  
MR PETER STUART**

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area  
Boundary / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

ODPM CODE: Minor Other

8 WEEK DATE: 13th November 2020

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

CASE OFFICER: Katherine Williams

## **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 erection of a 40 metre long and 8 metre high ball stop fence which would be positioned along the northern boundary of the Haywards Heath Cricket Club pitch within the Heath Recreation Ground.

This application is a resubmission of application DM/19/1742 which was granted permission at committee on 26th September 2019 for the erection of a 75 metre long and 8 metre ball stop fence in the same position as the current application. The length of the fence has been reduced due to the discovery of several man holes under the position of part of the approved fence.

Last year tree works were undertaken for the removal of a row Poplar trees along the northern boundary of the cricket pitch however a number of Hornbeams have been recently planted on the bank to replace the poplars. The planting of these trees was part of a condition under the previous application which was discharged.

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

The proposal is acceptable both in terms of its impact on the character and appearance of the Conservation Area, would not cause significant harm to the amenities of neighbouring properties, and would not have an impact on trees. Therefore, the proposal complies with Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Haywards Heath Neighbourhood Plan policies E9 and L9, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

## **RECOMMENDATIONS**

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

## **SUMMARY OF REPRESENTATIONS**

Two letters of representation were received in the original proposal and raised the following concerns:

- Unclear is the proposal offers protection to the gardens of the houses in Park View
- Does not appear to meet the intended purpose, to prevent cricket balls from landing in neighbouring gardens
- Overbearing impact on the north end of the park
- Poor use of Council money
- Netting should only be erected during matches

## **SUMMARY OF CONSULTATIONS**

### **HAYWARDS HEATH COUNCIL OBSERVATIONS**

The Town Council **SUPPORTS** this application. Whilst noting resident concerns, the principle of installing a ball stop fence in this location has already been established with the granting of permission for an earlier application (DM/19/1742 refers).

#### **Conservation Officer**

No objection

#### **Tree Officer**

No objection, subject to condition

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## **Introduction**

The application seeks permission for erection of a 40 metre long and 8 metre high ball stop fence along the northern boundary of the Haywards Heath Cricket Club pitch within the Heath Recreation Ground. The proposal would also be within The Heath Conservation Area and the built up area of Haywards Heath.

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

## **Relevant Planning History**

06/02251/FUL - The building of an outdoor practice facility for cricket club. Consists of a single cricket lane enclosed within a security fence. The nets to be sited in area to northwest of outfield parallel to existing chainmail fence. Security fence to be 25m x 4.5m wide x 3.6m high. Existing fencing could form northern side. Granted

DM/18/4994 - Demolition of timber shed at North West corner of playing field and replacement with a permanent and secure equipment store. granted

DM/19/1742 - Installation of a 75m x 8m high ball stop fence along the northern boundary of Haywards Heath Cricket Club pitch (amended plans and description 25.07.2019, amended plans 14.08.2019). granted

DM/20/0094 - Discharge of condition 3 of permission DM/19/1742. Granted

### **Site and Surroundings**

The Heath Recreation Ground has a verdant character with mainly residential properties around the perimeter. The Haywards Heath Cricket Club pitch is located within the recreation ground and Conservation Area and is accessed via public footpaths running east-west and north south around the outside of the pitch. The pitch itself is relatively flat with the ground level increasing in height to the east, which gives the immediate locality an enclosed verdant character.

To the north of the pitch was a line of Poplar trees that divided the recreation ground from the residential properties of Park View, which are positioned in a significantly lower ground level, however these trees have subsequently been removed. These trees included additional netting within the canopy however this was also removed leaving the chain link boundary fence of the recreation ground. Under the previous application for the ball stop fence further planting was conditioned, this planting included Hawthorn trees on the slope to the north of the proposed fence line.

### **Application Details**

The proposed fencing would the recently removed netting within the Poplar trees and would have a height of 8 metres and a length 40 metres. The fencing would run along the northern edge of the cricket pitch

The fencing would include 2 No. steel trussed columns with 50mm x 50mm stop ball netting positioned 3 metres above the ground.

### **List of Policies**

#### **Mid Sussex District Plan (adopted March 2018)**

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

DP35 - Conservation Area

DP37 - Trees, Woodland and Hedgerows

#### **HAYWARDS HEATH NEIGHBOURHOOD PLAN (made December 2016)**

E9 - Design

L9 - Play Fields and Sporting Facilities

## National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 124, 127 and 175 are considered to be relevant to this application.

## Assessment

### Impact on the character of the Conservation Area

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

In considering development proposals, account will be taken of the need to maintain a range of types of housing in each settlement."

Paras 192-196 of the NPPF state:

*'192. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks and gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse*

consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, including securing its optimum viable use.'

Mid Sussex District Plan policy DP35 states:

*'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;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

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

*New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'*

The Council's Conservation Officer has considered the application. Along with the comments provided for the previous application, the officer has the following additional comments:

*'The application site is within the Heath Recreation Ground, at the heart of the at the heart of the Heath Conservation Area. The Recreation Ground consists of a cricket pitch with associated pavilion and practice nets and terraced landscaping to the east, with beyond this to the east and to the south of the pitch an area of woodland, a remnant of the original Haywards Heath. The Recreation Ground was created around the turn of the 19th/ 20th centuries, as the development of the town proceeded around it. The formal and informal open spaces of the Recreation Ground make a key positive contribution to the character and appearance of the Conservation Area.*

*The current proposal follows the recent granting of planning permission for a ball stop net 8m high by 75m long and extending slightly to the south of the current proposal, which is for a net of reduced dimensions 8m high by 40m long. Although the current application does not make it clear, I am assuming that the current proposal supersedes the existing permission rather than being proposed to coexist with it. The current proposal also includes 12 new hornbeam trees to be planted adjacent to the new net to its northern side, partially as replacements for previously removed poplar trees along this boundary.*

*As the proposal appears with the exception of the reduced dimensions of the net to be similar to the existing permission, and the replacement tree planting should subject to detail provide an element of screening, I do not consider that there would be any objection to the scheme on heritage grounds. The proposal is considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.'*

The proposed fencing would be visible from within the recreation ground and from Park View, with distance views from Sydney Road. The fencing would be seen within the context of the cricket pitch and the recreational use of the land as a whole and would be similar in appearance to the previous netting and existing fencing. The purpose of the fencing is to protect the properties and residents of Park View from cricket balls and to also allow the continued leisure use of the cricket pitch, which are both considered to constitute public benefits.

Given the existing permission for a significantly longer fence, and the public benefits of the proposal, any harm caused to the special character and appearance of the Conservation Area would be outweighed, and it considered acceptable on heritage grounds.

### **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);"*

The proposed fencing would be visible from Park View, with No. 1 Park View closest to proposed fence. These properties are positioned on a significantly lower ground level than proposed fencing with a footpath than runs in between. Although the fencing would be visible from these neighbours it would be similar in design to the previous netting and the existing fencing. It is therefore considered that given the nature and form of the proposal, and the existing relationship within the fencing, the proposal would not cause significant harm to the amenities of these neighbouring properties.

The proposal would also be visible from the properties located on the southern side of Sydney Road, however the closest neighbouring property No. 26 Sydney Road would be 44 metres from the proposed fencing and would be seen across the existing garages of Park View and would be partly obscured by an area of trees. It is considered that given the separation distance and the existing screening the proposed fencing is not considered to cause significant harm to the amenities of this neighbouring property.

### **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 however would request a condition to protect the newly planted hornbeam trees adjacent to the fence including that should any fail within the first 5 years they are replaced like for like.

### **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 proposal is acceptable both in terms of its impact on the character and appearance of the Conservation Area, would not cause significant harm to the amenities of neighbouring properties, and would not have an impact on trees.

Therefore, the proposal complies with Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Haywards Heath Neighbourhood Plan policies E9 and L9, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

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.

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. In the event that any of the Hornbeam trees planted to the north of the proposed fencing die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policy DP35 and DP37 of the Mid Sussex District Plan 2014 - 2031.

4. The trussed columns hereby approved shall be black in metal unless otherwise approved by the Local Planning Authority.

Reason: To ensure this aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031.

## 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>
Illustration	A 004		11.08.2020
Illustration	A 005		11.08.2020
Proposed Elevations	A 007		11.08.2020
Proposed Elevations	A 008		11.08.2020
Photographs			11.08.2020
Proposed Elevations	19138		11.08.2020
Location Plan			11.08.2020
Site Plan			11.08.2020
Tree Survey			11.08.2020

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Town Council SUPPORTS this application. Whilst noting resident concerns, the principle of installing a ball stop fence in this location has already been established with the granting of permission for an earlier application (DM/19/1742 refers).

### **Conservation Officer**

Comments on the above application. Please read these in conjunction with my comments on the previous similar proposal on this site, reproduced below.

The application site is within the Heath Recreation Ground, at the heart of the at the heart of the Heath Conservation Area. The Recreation Ground consists of a cricket pitch with associated pavilion and practice nets and terraced landscaping to the east, with beyond this to the east and to the south of the pitch an area of woodland, a remnant of the original Haywards Heath. The Recreation Ground was created around the turn of the 19th/ 20th centuries, as the development of the town proceeded around it. The formal and informal open spaces of the Recreation Ground make a key positive contribution to the character and appearance of the Conservation Area.

The current proposal follows the recent granting of planning permission for a ball stop net 8m high by 75m long and extending slightly to the south of the current proposal, which is for a net of reduced dimensions 8m high by 40m long. Although the current application does not make it clear, I am assuming that the current proposal supersedes the existing permission rather than being proposed to coexist with it. The current proposal also includes 12 new hornbeam trees to be planted adjacent to the new net to its northern side, partially as replacements for previously removed poplar trees along this boundary.

As the proposal appears with the exception of the reduced dimensions of the net to be similar to the existing permission, and the replacement tree planting should subject to detail provide an element of screening, I do not consider that there would be any objection to the

scheme on heritage grounds. The proposal is considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

**Tree Officer**

Following on from discussions I understand that the relocated fence will no longer impact any trees, and therefore no further comments are required from me.

I would however like to request a condition to protect the newly planted hornbeam trees adjacent to the fence stating that should any fail within the first 5 years they are replaced like for like.