

MID SUSSEX DISTRICT COUNCIL

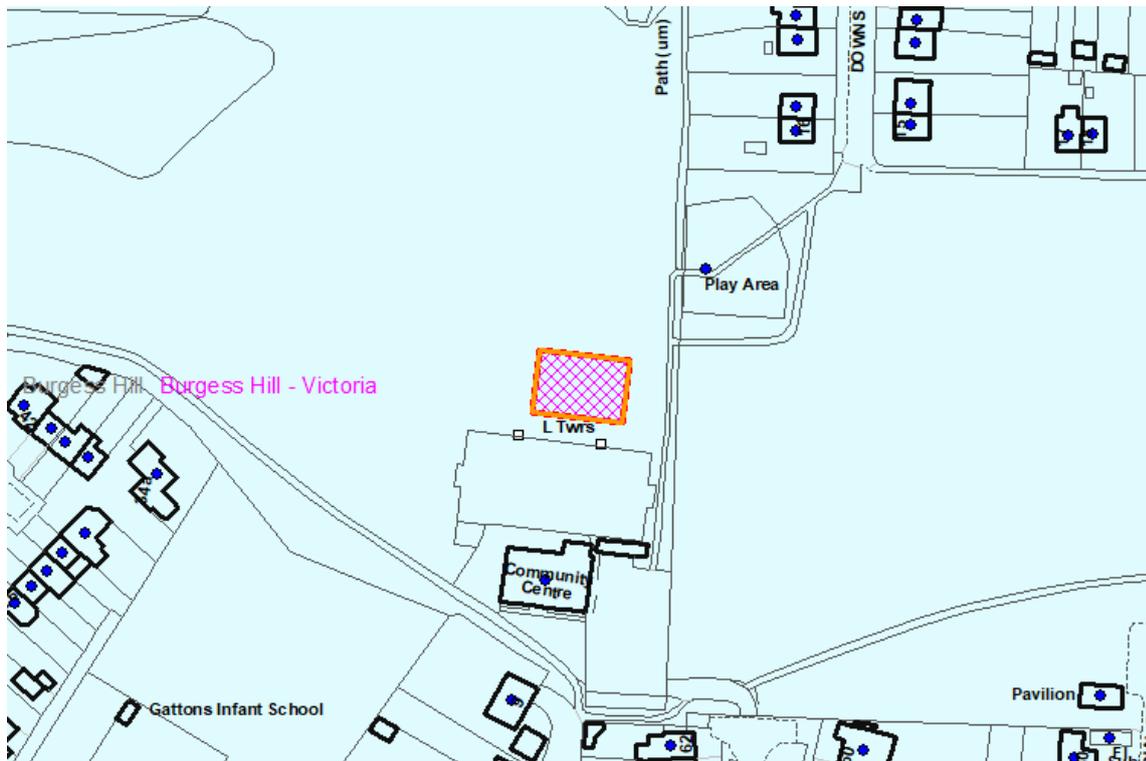
Planning Committee

21 JAN 2021

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/4096



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**FAIRFIELD RECREATION GROUND FAIRFIELD ROAD BURGESS HILL
WEST SUSSEX
CONSTRUCTION OF PETANQUE RINK AND TWO BENCHES.
MR STEVEN CRIDLANDS**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone /

ODPM CODE: Minor Other

8 WEEK DATE: 25th January 2021

WARD MEMBERS: Cllr Peter Chapman / Cllr Lee Gibbs /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the construction of a petanque court and two benches at Fairfield Recreation Ground, Fairfield Road, Burgess Hill.

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

The proposed petanque court and benches are of a design, size and scale which is in proportion and appropriate to the use of the recreation ground. Its positioning within the site would be seen in context with the multi-use games area (MUGA) and would be in keeping with the character of the area. In addition, the proposal would not cause significant harm to the amenities of nearby residential properties.

The proposed development is considered to comply with the requirements of policies DP24 and DP26 of the Mid Sussex District Plan, policy LR3 of the Burgess Hill Neighbourhood Plan, and the relevant provisions of the NPPF. Accordingly, the application is recommended for approval.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Leisure

Supportive of proposal.

BURGESS HILL TOWN COUNCIL

Recommend Approval.

INTRODUCTION

Planning permission is sought for the construction of a petanque court and two benches within Fairfield Recreation Ground, Burgess Hill.

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

Relevant Planning History

BH/258/97 - Enlargement of existing floodlit play area to provide new multi-use area and floodlighting. Approved.

SITE AND SURROUNDINGS

Fairfield Recreation Ground is sited within the built up area of Burgess Hill and surrounded by residential properties. On the boundaries with the recreation ground to the north, south and west are trees and vegetation.

The recreation ground is relatively level and has footpaths through the site as well as a children's play area, a multi-use games area enclosed by wire mesh fencing, a single storey community centre and car park and a pavilion.

The petanque court is to be sited to the north of the existing multi-use games area (MUGA) set within Fairfield Recreation Ground near to the existing Fairfield Community Centre and car park.

APPLICATION DETAILS

The petanque court is to measure 22 metres by 18 metres. The court is to be 7 inches deep and filled with MOT type 2 and surface dressed with fine grit. The court would be surrounded by concrete kerb stones / sleepers. A French drain is to be dug around the perimeter and filled with shingle.

To the west of the proposed court are to be two benches on a concrete foundation.

LIST OF POLICIES

Mid Sussex District Plan - 2014 - 2031

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

Burgess Hill Neighbourhood Plan

The Neighbourhood Plan for Burgess Hill was 'made' in January 2016. It forms part of the development plan with full weight.

Relevant policy:

LR3 - Protect and Improve Existing Leisure and Recreations Facilities

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

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 and the Burgess Hill Neighbourhood Plan (2016).

Policy DP24 of the Mid Sussex District Plan supports new and enhanced leisure and cultural activities and facilities. This 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.'*

In addition Policy LR3 of the Neighbourhood Plan relates to protecting and enhancing existing leisure and recreational facilities. The Fairfield Recreation Ground has been identified as important by the local community and one of the facilities listed within this policy. It states in part:

'The existing formal leisure and recreational 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. Proposals for the loss of leisure and recreational facilities will be resisted unless either they are supported by an assessment that demonstrates the facilities are no longer needed or they are to be replaced by equivalent or better alternative provision in a location supported by the local community.'

It is considered that the construction of a petanque court and two benches would support the existing leisure use and enhance it by the formation of a new facility within the recreation ground.

The proposal is considered to be in accordance with policy DP24 of the Mid Sussex District Plan and Policy LR3 of the Neighbourhood Plan and is thus 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 proposal is considered to be of a design, size and scale which is in proportion and appropriate to the character of the site. The petanque court is to be seen in context with the adjacent MUGA set to the south. Whilst the proposal would be visible within the recreation ground it will not be seen from wider views. Due to its surfacing and not being enclosed it is considered that the proposal would be in keeping with the character of the use of the recreation ground.

It is therefore considered that the proposal would not have an adverse impact on the character of the site, or the area generally and thereby complies with Policy DP26 of the District Plan.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan states in part that proposals should '*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*'.

The proposal is to be sited to the north of the existing MUGA, Fairfield Community Centre and car park set within the recreation ground. As such, the proposal is to be set away from the southern boundary the nearby residential properties which adjoin the recreation ground to the south. In addition, due to the size of the recreation

ground the petanque court is to be set some 86 meters from the rear boundary of properties to the north of the recreation ground. Due to the use of the recreation ground and the separation distance to the nearby residential properties, it is not considered that the proposal would harm the amenities of neighbouring properties to any significant degree.

The proposal thereby complies with policy DP26 of the District Plan.

PLANNING BALANCE AND CONCLUSION

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 would improve the existing community and leisure facility of the recreation ground. The proposal is acceptable both in terms of its design and impact on the character of the area, would not cause harm to the amenities of nearby neighbouring properties.

The application is thereby considered to comply with policies DP24 and DP26 of the Mid Sussex District Plan, policy LR3 of the Burgess Hill Neighbourhood Plan and the relevant provisions of the NPPF.

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.
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 and application details 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 Plan	-	-	18.11.2020
Block Plan	-	-	18.11.2020
Other	Bench details		09.11.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

MSDC Leisure

The project has been developed in partnership with the Council's Waste, Leisure and Landscapes team to meet local demand and we are fully supportive of this proposal. It will provide additional recreational facilities which will be fully accessible and available for community use.