

Heritage Statement Addendum

Aldi, Sussex House, Perrymount Road, Haywards Heath

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Client: Aldi Stores Ltd.

Ref: 0590

1.0 INTRODUCTION

- 1.1 This is an Addendum to the submitted Heritage Statement for the proposal to redevelop the Sussex House site on Perrymount Road, Haywards Heath (the application site) to provide a new Aldi store (application ref. DM/24/3077). It responds to the revised proposal that has been prepared, following comments made by the Haywards Heath Cricket Club during the determination of the application. The Addendum has been prepared by Ignus Froneman, the same author as the submitted Heritage Statement.
- 1.2 In essence, the Cricket Club expressed concerns about the safety of shoppers at the proposed Aldi store, given the propensity for cricket balls to be hit over the fence and into the application site. The Club suggested the inclusion of a screening net within the proposed development, to protect shoppers (as well as the building, and any parked cars in the adjacent part of the application site).
- 1.3 Accordingly, the proposed development now includes a screening net within the SE corner to protect the application site from stray balls from the adjacent cricket grounds. The inclusion of this is assessed in the Addendum, with reference to the photomontages that have been produced to show the proposed net.
- 1.4 The Addendum should be read alongside the submitted Heritage Statement, the revised drawings and the photomontages that have been produced to show the net.

2.0 ASSESSMENT

Conclusion of the submitted Heritage Statement

- 2.1 The submitted Heritage Statement concluded at para 3.6:

"The proposed development would replace detracting buildings on a town centre site that is suited for development, with a food store that would be less visible

from the conservation area. As such, the proposed development would enhance the quality and character of this part of the setting of the conservation area, while preserving the significance of the Church of St Richard."

- 2.2 It can be noted from the outset that the proposed net would not be juxtaposed with, or otherwise interfere with, views of the Church of St Richard, and the significance of the church would not be unaffected. The church is accordingly not considered further.
- 2.3 The issue at question in this Addendum is the effect of the proposed net on the significance of the Heath Conservation Area.

The effect of the proposed net on the Heath Conservation Area

- 2.4 The proposed net would be 28m wide and 14m in height (and start 3m above ground). The net would be widely visible from the adjacent open cricket grounds and terraces in the adjoining part of the conservation area, as can be seen from the extracts of the existing and proposed views below (**Figs 1-8**). It is clear from the proposed views that the net, and the vertical supporting structures, would have a notable presence in views from the conservation area.
- 2.5 The views also illustrate how the existing building (Sussex House) would be removed from some views, with the proposed Aldi store only marginally visible, and very much recessive where it is visible. In short, the net would introduce an element of 'visual clutter' in views from the cricket ground and the terraces. That said, it would be visually permeable, and it would be understood as a light, ephemeral structure (when compared with the solidity and permanence of the buildings, for example) that is associated with the use of the cricket ground.

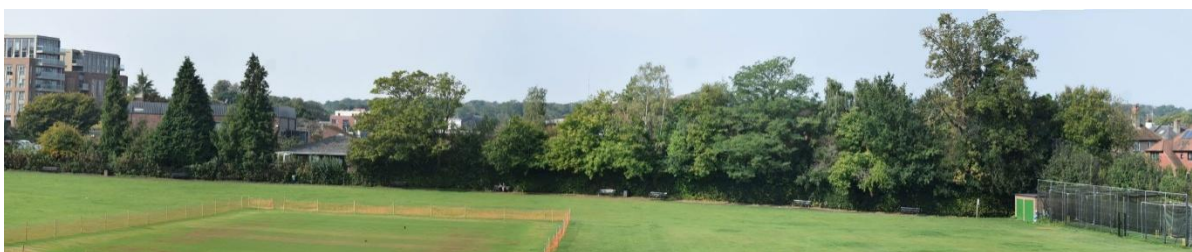


Fig 1: An extract of an existing view towards the proposed net from the terraces.



Fig 2: An extract of the proposed view with the net in place.



Fig 3: An extract of an existing view towards the proposed net from the terraces.



Fig 4: An extract of the proposed view with the net in place.



Fig 5: An extract of an existing view towards the proposed net from the cricket ground.



Fig 6: An extract of the proposed view with the net in place.



Fig 7: An extract of an existing close view towards the proposed net.

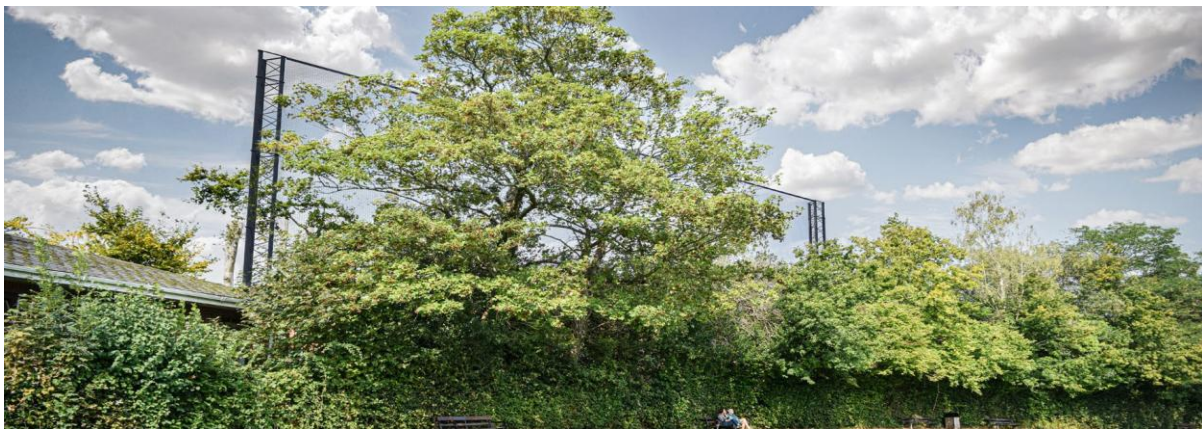


Fig 8: An extract of the proposed view with the net in place.

- 2.6 It is worth briefly considering the description of the importance of the cricket grounds, and the Cricket Club, as described in the *Heath Conservation Area Appraisal*, published by Mid Sussex District Council in September 2007 (the 'Appraisal').
- 2.7 According to paragraph 10.3 of the Appraisal, the character of the Heath is established by the presence of that "*most English of attributes*", namely a town cricket pitch with a splendid playing surface and a remarkable amphitheatre for spectators. The Appraisal notes that there has been a cricket pavilion on the Heath since the first decade of the C20.
- 2.8 On page 15 of the Appraisal is the discussion of Character Area 4: The Heath and the Recreation Ground. This describes the cricket ground as sitting within a grassy amphitheatre at the heart of the area. Section 14.4 of the Appraisal again discusses Character Area 4, with paragraph 14.4.1 again stating that the cricket pitch the is at the "*heart of the conservation area*". The Appraisal notes that the

Haywards Heath Cricket Club was founded in 1897; the grass amphitheatre on the eastern side permits spectators to gain an elevated view of the game. It is said to be "*arguably one of the best amateur cricket grounds in the county*". The Appraisal notes that a cricket pavilion has stood on the present site since 12 September 1900.

- 2.9 It is unsurprising to see that the Appraisal attaches great value to the cricket grounds, and the pavilion, and by implication the use of the cricket grounds and the pavilion for facilitating the playing of cricket in this part of the conservation area.
- 2.10 It is understood that, without the proposed net, the cricket club would not be able to continue using the cricket grounds, and the Club would have to move to a new location.
- 2.11 The existing building and car park on the application site, if used, would require the same measure to allow the cricket club to continue using the pitch¹. That would also be the case for any other form of development on the application site that occupied a similar footprint as the existing building and/or the proposed Aldi store, or had parking in a similar location as the existing building and/or the proposed Aldi store. This is relevant to optimising brownfield land in a sustainable location, close to the railway station, where policy directs such land to be used to the optimum.
- 2.12 In other words, the proposed net would not simply be relevant to the proposed development, but effectively to any use of the application site, or any likely proposed redevelopment of this land.
- 2.13 The proposed net would safeguard an important activity (i.e. cricket) 'at the heart of' the conservation area. However, importantly, that is not because of the specifics of the proposal, or a mitigation measure that arises from anything specific about the proposed use or the proposed development (other than developing an area that is presently already developed, or proposed car parking that is similar to the baseline). Rather, the net is required because of the specific use of the cricket ground by the Cricket Club. The proposed net would safeguard

¹ The Club's response implies that, as an office, there is no risk from stray balls during weekends, when the cricket grounds are used. But of course, that does not prevent damage to the building, and offices can be used, or serviced, over weekends, including the car park. Whether the offices are used over weekends would depend on the nature of the business; some offices are routinely used over weekends. Whilst it is correct to say that the intensity of use might be different over weekends, it would simply be illogical to suggest that the potential harm to property or people from stray balls can simply be ignored, because an office might not be open over weekends.

the Club's ongoing, beneficial use of the cricket ground, as it has been used continuously since the late C19, and very important aspect of the conservation area.

- 2.14 On one hand, the proposed net would introduce some visual clutter that would be highly visible from the cricket grounds and surrounding terraces. This can be regarded as harmful to the character, appearance and significance of the conservation area. On the other hand, the proposed net would serve to safeguard the beneficial continuation of the use of the cricket ground, as an indisputably important aspect of the conservation area. This can be regarded as a benefit (indeed, it can be described as the optimum viable use of this part of the conservation area). Paragraph 215 of the NPPF notes that securing the optimum viable use of a designated heritage asset is a public benefit that can counterweigh harm to the designated heritage asset.
- 2.15 In this case, the public benefit associated with the proposed net would outweigh the harm associated with the visual presence of the same proposed net.
- 2.16 As a final observation, it can be noted that the proposed net would be reversible, i.e. it could be removed if circumstances changed (e.g. the Cricket Club no longer used the grounds in a way that would potentially cause balls to breach the application site boundary). Reversibility is a factor that case law in *Buxton v Cambridge City Council* [2021] EWHC 2028 (Admin) has confirmed can be a relevant material consideration². That case notably related to an extension that was not applied for on a temporary basis, and the permission was permanent.

Conclusion

- 2.17 The assessment has identified some, albeit limited, harm to the conservation area, associated with the visual presence of the proposed net, as well as public benefits pertaining to the same heritage asset. The reversibility of the proposed net is also a relevant material consideration.
- 2.18 Weighing heritage harm against heritage benefits is sometimes referred to as the 'internal heritage balance' (i.e. it is a weighing that occurs within the heritage topic, not as part of the overall planning balance). Whether the balance of

² As per Corner, QC at 50 "It is plain that reversibility of development can be a material consideration which a decision-maker dealing with an application for alteration to a listed asset is entitled to take into account."

heritage harm against heritage-specific benefits is undertaken 'internally' or as part of an overall planning balance, should make no difference to the outcome³.

- 2.19 What is important is that, just like harm, heritage-specific benefits should be identified, and properly taken into account, with the requisite weight given to the heritage benefits in the same way as to harm.
- 2.20 As per NPPF paragraph 212 'great weight' attaches to the conservation of designated heritage assets. The same weight that attaches to harm to the significance of a designated heritage asset, equally attaches to heritage benefits. This is not only by parity of reasoning, but also because the definition of 'conservation' in Annex 2 of the NPPF encapsulates 'sustaining and enhancing' significance. That is also confirmed in case law⁴.
- 2.21 On the basis that the benefit of the proposed net outweighs the harm associated with it, the proposed net satisfies paragraphs 212-215 of the NPPF and the provisions of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The proposed net, on the same basis, would also satisfy the Local Plan policies in relation to heritage matters.

³ *City & Country Bramshill Ltd v Secretary of State for Housing* [2021] EWCA Civ 320 as per Phillips LJ at 71.

⁴ *R (Safe Rottingdean Ltd) v Brighton and Hove CC* [2019] EWHC 2632 (Admin) as per Sir Duncan Ouseley [at 99].