

Recommendation Report for Planning Permission

REF NO: LU/405/17/PL

LOCATION: Littlehampton Croquet Club
Littlehampton Sportsfield
St Flora's Road
Littlehampton

PROPOSAL: Demolition & erection of pavilion.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the increase in height of 0.132m of the previously approved pavilion. The window in the rear elevation has also been moved to the south side and a window in the north elevation increased in size.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing of varying height and design on boundary to approx 1.8m height
SITE CHARACTERISTICS	The sportsfield is occupied by various grass surfaced sports pitches with the main club house, viewing terraces and car parking areas to the western side. The pavilion building has been erected .
CHARACTER OF LOCALITY	The site is located within the built-up area and the northern and western elevations are bordered, predominantly, by the back gardens of residential dwellings located on surrounding roads. Parkside Evangelical Church also backs onto the western site boundary.

RELEVANT SITE HISTORY

LU/19/17/PL	Replacement pavilion	ApproveConditionally 14-03-17
LU/197/69	New Pavilion And Changing Room	ApproveConditionally 25-07-69

LU/294/13/

Construction of single storey timber cricket pavilion in the north west corner of the Sportsfield. Resubmission following LU/211/13.

ApproveConditionally
18-12-13

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No Objection

One Objection - The surrounding buildings closest to this development are all under 2 metres high. The original application was objected to by us due to the fact that the proposed structure was in excess of 50% higher than any building adjacent to it. The structure has caused significant impact to the enjoyment of our property and caused unacceptable overshadowing of our garden. As the original consent was objected to as being too high by us we are strongly opposed to it being allowed to increase in height in any way and insist that the original consent is abided by.

COMMENTS ON REPRESENTATIONS RECEIVED:

The position of the previously approved pavilion has not altered. The previous approval is a material planning consideration. A minimum distance to the rear boundary of 1m is retained. Given that boundary fencing can be installed to 2m in height and that the eaves height is only 30cm greater and 1m from the boundary it is not considered that the increase in height of 0.13m would result in a materially unacceptable adverse impact on the neighbour to the rear. The eaves height of 2.325m and low ridge height of 3.145m of the building would result in some loss of light and the structure is readily visible from the neighbouring dwelling to the rear but is not considered to result in an unacceptable materially adverse overbearing impact.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
D SP1 Design

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 16	Open Spaces

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring;

Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies in the Littlehampton Town Neighbourhood Plan have been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose 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 proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed increase in height of the building is considered to be modest and the building will still be largely screened from view within the street scene of surrounding roads due to the screening provided by the high density arrangement of buildings that surround the site.

The footprint of the building is modest in proportion to the size of the sports fields around it and it will therefore not compromise the open and spacious characteristic of the site itself. It will replace an existing dilapidated building and would accord with policy16 of the Neighbourhood Plan in that it is ancillary to the use of that land as recreational/sports open space. It is therefore considered that the proposed works would not lead to an unacceptable adverse impact upon the character and appearance of the surrounding area.

Given the relatively small increase in height, it is not considered that the pavilion would appear overbearing towards nearby residential properties or generate undue levels of overshadowing. The window on the rear elevation has been removed, and the additional window on the side south elevation is to be obscure glazed thereby restricting opportunities of views towards neighbouring property. The windows and opening to the front and sides of the proposed building will look out towards the sports fields and will therefore not be invasive.

The building will improve facilities for croquet players using the site and would therefore have a positive impact upon the vitality of this important asset to the community, enabling wider use. Para. 70 of the National Planning Policy Framework (NPPF) states that planning decisions should plan positively for the provision and use of shared space, community facilities (such as sports venues) and that they should ensure that established facilities are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community. It is considered that the proposal represents an example of sustainable modernisation of an established facility.

It is therefore recommended that the application is approved, subject to the following conditions

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Plans and Elevations 1650/E1.3, Detailed Layout 1650/D1.3, Block Plan 1650/B3.3 and Location Plan 1650/L1.4.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The window denoted on plan 1650/E1.3 as an obscure glazed window on the south side elevation of the building shall at all times be glazed with obscured glass and non opening up to 1.7m above the floor of the room in which the window is installed.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 3 No sound reproduction or amplification equipment (including public address systems, loudspeakers, etc.) shall be installed or operated within the building without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 Upon the first occupation of the building hereby permitted the existing building shown on the application block plan reference 1650/B3.3 shall cease to be used for any purpose and within a period of 3 months thereafter such existing building shall be demolished, all materials arising from such demolition removed from the site and the site cleared.

In the interests of visual amenity in accordance with policy GEN7 of Arun District Local Plan.

- 5 The pavilion hereby approved shall not be in use except between the hours of:-

9.30am and 10.00pm on Mondays to Sundays inclusive.

Reason: In the interests of amenity in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 6 INFORMATIVE: Statement pursuant to 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.