

**Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions
Under a Previously Approved Permission**

REF NO: M/2/26/S73

LOCATION: Middleton Sports Club
3 Sea Lane
Middleton-on-sea
PO22 7RH

PROPOSAL: Variation of condition 2 imposed under M/9/25/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks a variation of condition following approval of M/9/25/PL relating to condition 2, which is the plans condition. The application seeks to amend the design of the proposed pavilion.
SITE CHARACTERISTICS	The site is occupied by a sports club that has a number of recreational sports facilities including 6 tennis courts
CHARACTER OF LOCALITY	The site is in Middleton-on-Sea and is an Area of Character. The area is characterised predominantly by residential uses but has the various retail facilities to the northeast.

RELEVANT SITE HISTORY

M/9/25/PL	Demolition/removal of existing bowls pavilion and erection of new bowls pavilion. This application may affect the setting of a listed building and is in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 17-03-25
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Planning history noted.

REPRESENTATIONS

Middleton Parish Council - No response received.

No representations were received from nearby occupiers.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designation applicable to site:
 Middleton on Sea Estate Area of Character
 Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 the amended design would not harm the character or visual amenity of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Application M/9/25/PL was approved on 17 March 2025 and granted permission for a replacement pavilion. This application seeks to amend the design of the pavilion, by amending the plans condition on this consent, which is condition 2.

DESIGN AND VISUAL AMENITY

The proposal seeks to amend the dimensions of the pavilion including the depth and height, and alter other aspects of the design including the roof form and fenestration. The depth of the pavilion is to be 6m, which is 1m less than the approved depth. The pavilion will not project to the north of the changing rooms to the same extent as the approved building. The roof will be changed from a mono-pitched roof to a dual pitched roof. This alteration results in a slight increase in the height of the roof, which will have a

ridge height of approx. 3m, where the approved maximum height was approx. 2.8m. The alteration to the roof form will be visually apparent. However, given the variety of buildings which make up the sports club as a whole, which have various roof forms, the alteration will not have any detrimental impact on the character or visual amenity of the building or the site. The slight increase in ridge height is unlikely to be visually apparent, and would not harm the visual amenity of the building.

The changes to fenestration include the introduction of larger French windows on the north elevation, two additional small windows on the south elevation, and the removal of the French doors on the west elevation. The proposed alterations to fenestration will have a minimal impact on the appearance of the building, and are acceptable in accordance with Arun Local Plan (ALP) policy D DM1.

The alterations to the dimensions and design of the building will not harm the visual amenity of the site or the wider area, and are acceptable in accordance with ALP policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The pavilion building has immediate residential neighbours to the east. The bowling green separates the pavilion from neighbouring properties to the north, with a further playing field located to the south. The proposed alterations to the footprint and roof of the pavilion will not have any significant impact on neighbouring occupiers. Although the overall level of glazing has increased, no fenestration is proposed to the east elevation and there would be no overlooking of neighbouring properties. The alterations are solely to the design of the building and would not impact neighbours in terms of altered levels of noise or disturbance. The proposals are in accordance with ALP D DM1.

HERITAGE

As part of the assessment of M/9/25/PL, it was noted that the location of the neighbouring pavilion, the presence of a neighbouring structure (the main sports club pavilion) and significant mature vegetation meant that the replacement structure would not be seen in the context of the neighbouring listed building, The Manor House. The pavilion was not considered to impact the setting of the listed building or cause harm to the Area of Character. The alterations do not alter this assessment, and the proposals do not conflict with ALP policies HER SP1, HER DM1 or HER DM4.

OTHER MATTERS

As this is a Section 73 application, any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity, conditions imposed on earlier permissions that continue to have effect should be reimposed.

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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun on or before the 17.03.2028 (being three years from the date of the original planning permission).

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location and Block Plans 446/01
- Proposed Floor Plans and Elevations 446/03 REVB

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for an application under s73 of the Town and Country Planning Act (1990) to amend an existing planning consent. The original planning permission was considered de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.