

Recommendation Report for Planning Permission

REF NO: M/74/19/PL

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

PROPOSAL: Demolition of existing bowls pavillion & replacement with new bowls pavillion, ground floor alterations & first floor extension to existing gym facilities to include DDA provisions. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development. The only planting affected by the proposal is a small bush to the rear of the proposed new bowls pavilion. From the Officer's it is considered that, given the size and scale of the bush it does not have an significant amenity value. As such its loss is not considered to be detrimental.
BOUNDARY TREATMENT	The site is enclosed by a mixture of approximately 2 metre high timber fencing, 1.5 metre high flint walling and 3 metre high coniferous hedging.
SITE CHARACTERISTICS	The site is occupied by a cluster of interconnected single and two-storey buildings of mixed designs and scales that are used for sport and leisure activities as well as to provide associated amenity facilities. There is a large sports field to the south of the building which is a designated open space area. To the west are open air tennis courts. There are allocated parking areas to the north and west
CHARACTER OF LOCALITY	The site is contained within the Middleton-on-Sea Area of Special Character which is noted within the Council's Supplementary Planning Document (SPD) as possessing a distinctive rural ambiance on Sea Lane. 'The Manor House' which is a Grade II Listed Building is positioned to the north-west. To the north there are buildings housing residential flats whilst there are bungalow dwellings to the east. The site is also designated as an Area of Open Space, with sports fields extending to the south and east.

RELEVANT SITE HISTORY

M/38/16/PL	Two storey front extension, 16 No. safety net poles & replacement of storage shed.	ApproveConditionally 15-07-16
M/44/12/	Change of use from storage building (D2 Assembly and Leisure) to a holiday let (C3 Dwelling)	Refused 13-08-12
M/103/07/	Replacement of existing bowls hutting with a new pavilion and relocation of existing bowls hut.	ApproveConditionally 08-10-07

Planning History Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council
Do not object.

No letters of neighbour comment have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted.

CONSULTATIONS

Conservation Officer
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer: No objection.

Conservation Officer: The Conservation Officer has not formally commented on this application but following discussions with him he does not object to the proposals, with particular regard to the impact on both the Grade II Listed building and the Locally Listed building which adjoin the application site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built-up Area
Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERDM1	HER DM1 Listed Buildings
HERDM4	HER DM4 Areas of Special Character
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

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.

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).

There is no relevant neighbourhood plan for Middleton.

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 visual or residential amenity, the character of the area, setting of the Listed

Building or highway safety.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant permission for development which affects the setting of a listed building, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal does not affect the character or the setting of the Grade II Listed or Locally Listed Building.

CONCLUSIONS

PRINCIPLE

The site lies within an Area of Special Character where development must be sensitive to the characteristics of the special character and within the coastal protection area. The proposal is for a replacement of a single storey sub standard dwelling with a single storey bungalow. The key policies considered are DDM1, DDM4, HER DM1, HER DM4 , HER DM6 and HER DM1.

CHARACTER AND DESIGN

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

The application site is situated within the Middleton on Sea Estate Area of Special Character.

The Areas of Special Character - Description Review Supplementary Planning Document (SPD) highlights that:

'The Middleton-On-Sea Estate derives largely from the low density, spacious, planned concept of Captain Henry Rowlands Starkey Coldicott (1886 - 1980). His vision was a plan for creating not just a residential estate, but also a village community suited to the seaside location. This vision has largely been achieved and is reflected in the designation of this Area of Special Character in October 1996.'

The application is situated on sea Lane where:

'Sea Lane has a distinctively rural ambiance. Mature trees, bushes and grass verges add to this rural character. Features of the lane include the Middleton Manor Farm buildings, situated opposite the entrance to South Walk, the Flint Cottage and Middleton Barn. The raised footpath is a unique characteristic of the lane, acting as a linkage to the sea. Towards the seaward end of the lane, the Grade II listed Flint Cottage (previously two farm cottages) contributes greatly to this location as do the thatched properties of Cornerways and Kesingbourne Thatch, providing an attractive group at the junction of Sea Lane with Sea Way. Boundary flint walling is a key characteristic of the lane.'

The proposal consists of 3 elements, ground floor alterations & first floor extension to existing gym facilities to include DDA provisions, along with the demolition of existing bowls pavilion & replacement

with new bowls pavilion.

While the footprint of the replacement bowls pavilion would be larger than that of the existing, it would not be considerably larger than that of the existing. The proposed pavilion would also have a flat roof and would be only be marginally higher than the existing.

Views of the proposal would be available from Penn Close, adjoining the site. However, given that the proposal would be of a modest size and scale it is considered that the proposal would not have a detrimental impact upon the street scene or wider area.

The proposed first floor extension to the gym/clubhouse would have a flat roof. Officers note that, the part of the gym/clubhouse that is to be extended already features a flat roof. Having regard to the size, massing and scale of the proposed extension, Officers consider that the resultant first floor element (extended gym) would not be out of keeping with the existing building and would not have a detrimental impact upon it.

The site is surrounded by mature trees and planting, however it is noted that there are gaps where views of the gym/clubhouse could be seen from outside the site. Having regard to the siting of the clubhouse well into the site, along with the siting of the proposed first floor extension it is considered that no detrimental views would be available from outside the site.

Officers note the proposed materials as stated by the applicant on the submitted application form. While they are broadly acceptable, full details have not been provided e.g. the colour of the vertical timber weatherboarding on the gym extensions. Given that the site is within close proximity to both a Grade II Listed Building and a Locally Listed Building as well as designated an Area of Special Character it is considered paramount that appropriate and suitable materials are sought. As such, a condition requesting that details of the materials are submitted to and agreed in writing by the Local planning authority, prior to their application would be imposed upon any grant of planning permission. As this condition is requesting material details prior to their application (use), this is not a pre-commencement condition and as such the Applicant has not been contacted re: agreement to this condition.

It is considered that the proposals would not harm the character and appearance of the wider area, the Middleton on Sea Estate Area of Special Character. As such it is considered that the proposal would comply with policies D DM1, D DM4 and HER DM4.

IMPACT ON HERITAGE ASSETS

The application site adjoining the boundary of a Listed Building to the north and a Locally Listed Building to the south west. The listed building, The Manor House 1 sea Lane, is a Grade II listed Building with the following heritage features:

The Locally Listed Building to the South West is known as Middleton Farm and farm buildings, 5 Sea Lane. In the Buildings or Structures of Character SPD has been given the Criteria 2-5 for its selection as a Locally Listed Building:

- 2) Buildings which are extremely good examples of traditional or established style, or unusual type.
- 3) In special cases, buildings or structures which contribute towards the local townscape or have important historical associations.
- 4) All buildings must be largely intact and not adversely affected by later extensions or alterations.
- 5) Preferably, although not exclusively, they should make a positive contribution to their surroundings or the street scene.

Given the size, scale and distance from the Locally Listed building it is considered that the proposals

would not have a detrimental impact upon it, such that the criteria for its Locally Listing would no longer apply.

The Listed Building (Grade II) to the north is known as The Manor House an Early C19. building with two storeys. Three windows. Stuccoed. Eaves cornice. Slate roof. Windows with venetian shutters and glazing bars intact. Porch with Doric pilasters, pediment, semi-circular fanlight and door of six fielded panels.

The Conservation Officer has not formally commented on this application but following discussions there is no objection to the proposals or any proposed recommendations.

The proposed new bowls pavilion would be slightly larger than that of the existing building it replaces. However it would still be single storey and would be sited in almost the same position as the building it replaces. Therefore it is considered that, given its modest single storey size and scale it is considered that it would not have a greater impact on the setting of the Listed Building, The Manor House, than the existing bowls pavilion. The Manor House is screened by mature trees along its boundaries and as such, It is considered that any views of the proposed ground floor and first floor extension to gym would be limited and taken in context with the clubhouse as a whole. As such it is considered that the size scale and massing of the proposal would be such that it would not have a detrimental impact on the setting of the Listed building.

No heritage assessment has been submitted by the agent as required by para 189 of the NPPF. Officers note that a legal opinion was sought regarding the lack of a heritage assessment with regard to previously granted application ref: CM/36 /19/PL - Land adjacent to Church Farm Barn

Horsmere Green Lane. It was advised that it as a matter of judgement with regard to the necessity of a Statement which should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance' (para 189 NPPF). Since it has been assessed that the development has no adverse impact on the setting of the listed building it is not considered that a Heritage Statement is essential in this particular case.

As such, it is considered that the proposal would comply with policies HER DM1 and HER DM2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Arundel Neighbourhood Development Plan policies refer to residential amenity issues.

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Regard should also be had to paragraph 128 of the NPPF which states that:

'Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.'

From the Officer's site visit it was noted that property number 11 Penn Close (chalet bungalow), which adjoins the site, has 2 windows in the side elevation which face toward the application site. These windows are already blocked by the side elevation of the existing bowls pavilion. Having regard to the plans for previously approved application ref: M/30/19/HH, these windows serve a bathroom and an en-suite bathroom. While the proposal would increase the footprint along the boundary it is considered that as bathrooms are not considered to be habitable rooms, any additional loss of light and overshadowing would not be considered to be detrimental to the occupiers of 11 Penn Close.

There is a dormer window in the west roof slope of number 11 Penn Close, facing the application site. From an assessment of the plans for previously approved application ref: M/30/19/HH, Officers note that the 2.8 metre high flat roof of the proposed bowls pavilion would not obscure the dormer window. Any views out of the dormer window would be out over the proposed replacement bowls pavilion. Additionally there is an approximately 1.8 metre high close boarded fence along the common boundary of adjoining property 11 Penn Close which would also provide some screening.

With regard to the proposed ground floor alterations and first floor gym extension it is noted that no windows are proposed in the north or east elevations as such it is considered that no overlooking would occur out toward the properties to the north and east. 2 windows are proposed in the west elevation at first floor. These windows would be set into the western elevation at a height higher than that of the existing windows. It is considered that any views out of these windows toward the Listed Building to the north (The Manor House) would be blocked by the tree screening surrounding the dwelling. Additionally any views would be at an angle such that it is not considered they would be detrimental, should any limited views be available through the mature boundary tree screening.

Officers note that the ground floor alterations and first floor gym extension would be sited over 50 metres away from Middleton Farm and farm buildings, 5 Sea Lane, over 15 metres from the common boundary of The Manor House, over 48 metres to the common boundary of 11 Penn Close and over 65 metres to the properties at the rear of the site.

Given the longer separation distances of the surrounding properties from the proposed ground floor alterations and first floor gym extension it is considered that the proposal would not have a detrimental impact with regard to overbearing impact, overshadowing and loss of light/sunlight

It is considered that the bowls pavilion and ground floor alterations and first floor gym extension would not have a detrimental impact on the occupiers of adjoining properties in particular, number 11 Penn Close, The Manor House and Middleton Farm and farm buildings, 5 Sea Lane with regard to overlooking, overshadowing, overbearing impact and loss of light/sunlight.

PARKING AND HIGHWAY SAFETY

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been

designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Regard should also be given to the Arun District Council Parking Standards Supplementary Planning Document October 2019. Whilst this document has not been formally adopted at the time of writing weight has been given to it.

The proposals would not alter the existing access to the site and as such it is considered that the proposals would not lead to any highway safety issues.

The proposals would not impact on the existing levels of off road parking. Having regard to the both the West Sussex County Council Parking guidance and the Arun District Council Parking Standards Supplementary Planning Document October 2019, Officers consider that the proposal would be acceptable.

As such, it is considered that the Proposal would comply with Policy TSP1 of the Arun Local Plan.

SITES OF ARCHEOLOGICAL INTREST

The application site is a Site of Archaeological Interest. Officers Note Policy HER DM6 where:

There will be a presumption in favour of the preservation of scheduled and other nationally important monuments and archaeological remains. Where proposed developments will have either a direct impact on sites listed in Table 16.1 (i.e. developments requiring Scheduled Monument Consent) or where developments will have an indirect impact on the settings of those sites listed in Table 16.1, or where a site on which development is proposed has the potential to include heritage assets with archaeological interest (having consulted the Historic Environment Record) permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites.

The proposals would not have an impact on any of the sites listed in Table 16.1 of the Arun Local Plan. While the site is a Site of Archaeological Interest no Archaeological surveys have been carried out. Additionally, the Archaeological Officer has not been consulted. However officers note that the proposed bowls pavilion would replace the existing and would not have a significantly larger footprint. The proposed gym extension and first floor amendments would not lead to a larger footprint than existing.

As such it is considered unlikely that there would be any detrimental impacts on any archaeology. Therefore it is considered that the proposals would comply with policy HER DM6 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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

- 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 (as amended).

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

296/01
296/02
296/03
296/04
296/05
296/06
296/07
296/08
296/09
296/10

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

- 3 A schedule of materials and finishes to be used for external walls and roofs of the proposed bowls pavilion and gym extension shall be submitted to and approved by the Local Planning Authority prior to their application and the approved materials shall be maintained in perpetuity.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 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.