

Recommendation Report for Planning Permission

REF NO: A/168/17/PL

LOCATION: Land North of William Older Playgroup Building
Arundel Road
Angmering
BN16 4LP

PROPOSAL: Change of use from agricultural land to recreational & activity school uses,
enclosed with a timber & green chain link fence.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The application seeks planning permission for the change of use of agricultural land to provide recreational and activity school uses enclosed by a timber and green chain link fence. It has been confirmed by the agent that the proposed site will only be used by William Older Playgroup and St Margaret's Church of England School.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The existing northern and eastern boundaries of the site are open with the southern and western boundaries featuring timber and green chain link fencing of approximately 1.275m high.
SITE CHARACTERISTICS	The site is existing agricultural land situated to the north of William Olders Playgroup and St Margaret's Church of England Primary School. The pre-school is a single storey building with brick and timber clad elevations and a pitched steel roof with a fence area to the rear to provide an outside play area.
CHARACTER OF LOCALITY	Semi-rural in character with residential development to the south and west of the site with an open field to the north. There are mainly two storey semi-detached and terraced properties in the immediate locality. School adjacent to site and St. Margaret's primary school within the same educational compound.
RELEVANT SITE HISTORY	

A/45/15/PL	Construction of timber shed & timber play shelter.	ApproveConditionally 10-07-15
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A/97/14/PL	Change of use from agricultural use to play school activity/play area & provision of security fence & field drain. This is a departure from the development plan	ApproveConditionally 09-12-14
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Planning permission was previously granted for use of a section of land for associated school uses under planning reference A/97/14/PL and a subsequent planning application under reference A/45/15/PL allowed the erection of a timber shed and activity shelter on the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection -

On the grounds that the extent of the change of use is unacceptably broad in scope and needs to be clearly limited in the conditions as it had been with the previous application, A/97/14/PL.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted - use of the land will be restricted by condition. In addition the use proposed by this application is the same as that previously approved under reference A/97/14/PL.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
SD SP2	Built -Up Area Boundary

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 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.

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 Angmering Neighbourhood Plan has been made but there are considered to be no relevant policies in the determination of this application. However, it should be noted that paragraph 7.18 of that plan states that;

"The parish supports and endorses the aspirations of the Arun Local Plan calling for the district's residents to be 'better educated' and in this respect for the expansion of the range and quality of local educational opportunities."

Paragraph 7.20 goes on to state that;

"It is justified from the evidence base gathered in support of the NDP and the demonstrated need

and demand to make adequate and satisfactory provision for education facilities in Angmering."

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 conflict with relevant Development Plan policies in that it would be located outside of the built up area boundary of Angmering. However, it is considered that the proposed development would have no materially adverse effect on the visual amenities of the locality; 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 other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is situated outside of the built up area boundary but abuts the built up area boundary and the existing playing fields of St Margaret's Church of England Primary School. Due to the sites location outside of the built up area boundary the proposed change of use would conflict with policy GEN2 of the Arun District Local Plan.

Policy GEN3 of the Arun District Local Plan seeks to protect the Countryside for its own sake and development is not permitted unless;

- i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or
- ii) for quiet, informal recreation; or
- iii) for the diversification of the rural economy; or
- iv) for essential road schemes;
- v) it is in accordance with a policy in Section 2 and 3 of the plan referring to a specific use or type of development.

The proposed development will therefore fail to accord with the limitations of policy GEN3 of the Arun District Local Plan.

However, there are other material considerations that outweigh this conflict and warrant permission being granted in this case.

DESIGN AND VISUAL AMENITY

Development in relation to the school has already extended to the north of the built up area boundary with the car park and a portion of land measuring approximately 270 sqm for school activities present. Similarly, the St Margaret's Primary School playing fields are identified as falling outside of the built up area boundary. Therefore, it is considered that the proposed change of use will not give rise to any

unacceptably adverse harm to the character of the area or adversely impact upon the countryside.

The play area will be laid to grass and so will not introduce any artificial materials into the countryside and will therefore not give rise to any unacceptably adverse visual harm to the established semi-rural character given its countryside designation. It is considered that any hard surfacing in this area would have an adverse visual impact and as such a condition has been included removing permitted development rights for the creation of hard surfacing. and so retain it as a grassed area in perpetuity.

The proposed post and rail fencing with green chainlinks will match in appearance that seen around the existing school and so will suitably blend in and will not have any unacceptably adverse impacts upon the established character and appearance of the area.

It is therefore considered that the proposed change of use is acceptable in visual amenity terms and will accord with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

There are no residential properties within the immediate area and the site is situated within an established educational compound. Therefore, the proposed change of use is deemed to accord with policy GEN7(iv) of the Arun District Local Plan and will not adversely impact upon residential amenity.

SUMMARY

Whilst, there is an on principle policy objection by virtue of the sites location outside of the built up area boundary there are other material planning considerations which mitigate against this and the proposal is therefore 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

APPROVE CONDITIONALLY

- 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:

 - Site Location Plan - 4917.SP01
 - Site Layout Plan - 4917.SP02
 - Fence Details & Specification - 07/09/2017
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.
- 3 Notwithstanding the provisions of Schedule 2, Part 7, Class N of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hard surface shall be created on the land the subject of this application, as outlined in red on drawing no. 4917.SP01, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.
- 4 The play area hereby approved shall be used solely for the recreational and activity purposes associated with William Older Pre-School and St Margaret's Church of England Primary School and for no other purpose.

Reason: To enable the Local Planning Authority to control the use of the land in the interests of amenity in accordance with the National Planning Policy Framework.
- 5 **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.