

Recommendation Report for Planning Permission

REF NO: **A/97/14/PL**

LOCATION: William Older School Building
 Arundel Road
 Angmering

PROPOSAL: 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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	The play area in question measures approximately 270 square metres. The school site measures approximately 1055 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries to the play area comprise wooden fencing at approximately 1m in height to the south where it adjoins with the school and lies open to the north and east.
SITE CHARACTERISTICS	The site is currently agricultural in use. There is a car parking area located to the west which services St. Margaret's primary school which this outside play area will be associated with. The pre-school is a single storey building with brick and timber clad elevations and a pitched steel roof. An extension to the school is currently being constructed which was approved under previous planning permission A/61/14/PL.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey semi-detached and terraced properties in the area. School adjacent to site and St. Margaret's primary school within the same educational compound.

RELEVANT SITE HISTORY

A/85/13/

Construction of new independent timber

ApproveConditionally

report

framed lean-to structure to West elevation of
existing playgroup building.

16-08-2013

A/61/14/PL

Single storey extension to existing play school building
ApproveConditionally

21-07-2014

REPRESENTATIONS

Representations received:

Angmering Parish Council

Angmering Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Playschool Registration Unit

Engineering Services Manager

Engineers (Fluvial Flooding)

Environmental Health

Consultations responses received:

Environmental Health

No comments.

Engineers

Comment.

Surface water drainage

The system as proposed may allow for some soakage but ultimately discharges to the surface water system in the main road, which is not a public sewer. I note that the extension may also discharge into this system.

The surface water proposals should investigate soakage through percolation testing and winter groundwater monitoring, and should store the 1 in 100 year storm event plus 30% for the impermeable area created. It would be worth designing to account for the new extension as well, as this also drains directly to the system in the road if I'm reading the plan correctly.

If soakage is deemed unsuitable after the testing and monitoring, a restricted discharge to the system in the road may be acceptable. This would incorporate a flow control device restricting the flow to greenfield runoff rates.

There are problem areas with regards to flooding nearby, and designing the surface water scheme to the above standards would help to alleviate the risk. Guidance notes are attached. Condition ENG D2A should be applied.

Comments on Consultation responses:

Comments noted. The relevant condition from Engineers will be applied to the recommendation.

POLICY CONTEXT

Designation applicable to site:

Outside the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN3](#)
[GEN7](#)
[GEN11](#)

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

Protection of the Countryside
The Form of New Development
Inland Flooding
D DM1 Aspects of Form and Design
Quality

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

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

PRINCIPLE

The area of land that is the subject of this application is located outside the built up area boundary where the principle of new development is unacceptable unless it complies with relevant policies from the Local Development Plan. The William Older School to which the subject area of land relates is situated within the built-up area boundary.

DESCRIPTION AND CONTEXT OF THE APPLICATION

This application considers a change of use from agricultural land to a play area/activity area in association with the William Older pre-school. The play area measures approximately 22.5m in length and approximately 8.4m in depth and will be covered by grass. A field drain will be installed edging the north and east of the play area at a width of approximately 1m. A post and rail fence with green chainlinks will enclose the play area.

The reason why the play area is required is due to recent planning approval of an extension to the pre-school under A/61/14/PL which has taken up an area of existing play area through its footprint.

LOSS OF AGRICULTURAL LAND

The proposed play/activity area has a comparatively small area at approximately 189 sq m and joins continuously onto an existing play area for the pre-school. Therefore, the loss of agricultural land which amounts to a depth of approximately 8.4m is considered to be acceptable in this instance and is comparably small within the context of larger field areas to the west and north.

DESIGN AND VISUAL AMENITY

The play area will be laid to grass and so will not introduce any artificial materials to its surfacing. It will therefore appear appropriate given its countryside designation and semi-rural appearance. The proposed post and rail fencing with green chainlinks will match that seen around the existing school for its security fencing and so will suitably blend in. It is therefore considered that the proposal is acceptable in visual amenity terms and complies with policy GEN7 of the Arun District Local Plan.

RESIDENTIAL AMENITY

There are no residential properties within the immediate area and it is situated within an educational compound. There is no objection from Environmental Health regarding the new play area on the site. It is therefore considered to be acceptable in residential amenity terms.

It is therefore recommended that the application be approved, 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 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, a neutral impact has 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.

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: drawing number 1114.SP01 (Site location plan) dated April 2014, 1114.SP02 (Block plan) dated April 2014 and 1114.PO2 Rev A (Proposed site layout) dated May 2014.

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 No development shall be carried out unless and until details of the post and rail fencing with green chainlinks has been submitted to and approved by the Local Planning Authority and the details so approved shall be used in the construction of the fencing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The play area hereby approved shall be used solely for the recreational use of the William Older 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 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No use of the play area is permitted until a surface water drainage system serving the area has been implemented in accordance with the agreed details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.