Recommendation Report for Planning Permission

REF NO: **BE/49/14/PL**

LOCATION: Happytime Pre School
14 North Bersted Street
Bognor Regis

PROPOSAL: Installation of cantilever canopy to rear

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed canopy measures approximately 14.5m in width, maximum depth of 2.4m with a maximum height of 3.3m.
SITE AREA	Approximately 975 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front of site has a grassed area enclosed by mesh fencing approximately 1.2m in height, west side boundary has wall plus mesh fencing 3m in height, east side boundary has hedging approximately 2m in height, rear has outbuildings.
SITE CHARACTERISTICS	Detached building formerly a youth and community centre currently occupied as a pre-school. The building has red brickwork, white window frames with a tiled roof. Adjacent two storey building which was formally the school house is divided into two flats. Tarmac area to rear with outbuildings on rear south boundary.
CHARACTER OF LOCALITY	Residential street comprising semi-detached and detached two storey properties of various styles and designs.

RELEVANT SITE HISTORY

BE/4/88	Change of use from school house to two flats	ApproveConditionally 15-02-1988
BE/153/90	Re-surface and enclose existing tarmacadamed car parking site at rear of Youth Centre with 5m high chain link fence to provide multi-purpose Sports/Play area	Refused 27-02-1991

	including fixed floodlighting to permit evening use.	
BE/64/94	New house	ApproveConditionally 07-04-1995
PAA/37/14/	Replace front perimeter fencing from 4 ft to 5 ft in galvanised Tango rail .Erect a Cantilever Canopy with measurements of length-13800 mm Projection 2400mm Height 2755mm.	Approve Pre App 04-04-2014
BE/3/52	Sanitary acc.	No Objection 03-06-1952
BE/3/52/A	P T Store	No Objection 22-07-1955
BE/3/52/B	Canteen Scullery	No Objection 18-07-1957

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection.

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1	Aspects of Form and Quality
	D SP1	Design
	SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

· the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

· the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

· the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters/policies have been published.

Parish 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 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). "

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 school building was formerly used as a youth and community centre and is currently used as a pre-school. The application seeks to construct a canopy on the rear of the building.

The area to the rear of the building is currently tarmac and provides no shelter for the children in inclement weather. The proposed canopy will be sited on the rear southern elevation being the full width and will extend along part of the eastern side to form a covered way to the rear entrance. It will have a rear projection of 2.4m and will finish just below the eaves of the main building at a height of 3.3m. The steel frame will be multi-coloured and the roof will be of polycarbonate. It will provide a covered outside space which can be utilised in all weathers for the children attending the pre-school.

With regard to residential amenity the properties to the rear in Whiteways are sited approximately 40m away. The attached two storey building on the western side was formally the school house and has been converted into two flats, one on the ground and one at first floor level. There is a window at first floor level which serves a bedroom but this is set back from the proposed structure by approximately 1.5m. In view of its height which will be lower than the window cill and its translucent roof it is not considered that this would create a loss of outlook to the occupiers.

Being sited to the rear of the building it will not be visible within the street scene, nor would it harm the established character and appearance of the surrounding residential area.

It is therefore recommended to approve the application, subject to 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 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 positive impact has been identified upon those people with the following protected characteristics (age).

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 1:1250, Block 1:500, Floor/Elevations Drg No 85.01 dt 11.6.14 received on 23rd June 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 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.