Recommendation Report for Planning Permission

REF NO: **BR/4/15/PL**

LOCATION: Playing field for St Marys Roman Catholic School
Glamis Street
Bognor Regis

PROPOSAL: New canopy on school playing field

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a 6m x 6m canopy. 2.61m high to the bottom of the canopy and 4.275m high to top of the canopy. It would be constructed of steel with PVC cloth.
SITE AREA	33m2
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.5m wall and vegetation to other boundaries.
SITE CHARACTERISTICS	The site is a school playing field which bounds Hotham Park. The field is grassed with no trees and a playground to the south.
CHARACTER OF LOCALITY	Urban/Built up.

RELEVANT SITE HISTORY

BR/153/08/	First floor extension to existing school building, to form new staffroom.	ApproveConditionally 18-07-2008
BR/253/14/PL	New single storey extension to provide new kitchen/servery to be built on the east side of the school. New fire escape corridor formed within part of adjacent group room & plant room door to be re located.	ApproveConditionally 20-01-2015

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council- No objection

One letter of representation received from neighbour. They object on the grounds that the canopy is too large to be located in that position and that it will attract anti-social behaviour

outside of school hours.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Conservation Officer- No comments

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Class C Road
PD Restriction

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 (October 2014):		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD1	Open Space & Recreation Standards

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).

The Bognor Regis neighbourhood plan has been submitted and is currently out to consultation. However, it has yet to be adopted so cannot be considered a material consideration.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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 proposed canopy would be discreetly located over an existing rockery garden behind the north boundary wall and trees. It is of a modest design and is coloured green to blend in with the surrounding vegetation. It is considered to have a minimal impact on visual amenity and it not located close enough to any neighbouring properties to have a significant impact on their residential amenities.

Therefore, the proposal is considered to be acceptable in terms of design and impact on neighbour amenity and is recommended for approval.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (insert number and description) 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 (negative, Neutral or positive) 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).

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 2240-17/02 and 2240.17-SK2 received 9 January 2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 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.