

Recommendation Report for Planning Permission**REF NO:** FP/129/14/PL**LOCATION:** 6A Roundle Road
Felpham**PROPOSAL:** Move existing gate further down drive for sole use of unit 6A, replace with personal gates and fence to form pedestrian access.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The green mesh fencing with pedestrian gate is 18.5m in length with a height of 2m.
SITE AREA	Approximately 375 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary to site is enclosed by a metal gate, north side boundary has wall with fencing behind approximately 1.8m in height, south side boundary has wall with trellis approximately 2m in height.
SITE CHARACTERISTICS	Single storey pitched roof building with flat roof toilet block known as 6A, single storey pitched roof building sited in north east corner of site. Both buildings have rendered walls painted grey with tiled roofs.
CHARACTER OF LOCALITY	Predominantly residential with detached properties of various styles and designs. No 6 to front of site is a pitched roof single storey building which is currently occupied by a glazing company.

RELEVANT SITE HISTORY

FP/155/93	Temporary change of use from builders yard to office and storage for office cleaning company, including provision of new toilet block and storage building.	ApproveConditionally 09-02-1994
FP/180/01/	Proposed two storey store	ApproveConditionally 31-10-2001

FP/24/02/	Proposed new PVCu front entrance porch & reinforced concrete base for a portable building to be used as office.	ApproveConditionally 22-03-2002
FP/37/02/	Siting of new portable cabin	Approve 02-04-2002

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

1 Letter of Objection

We object to the fencing along the eastern side of the building as it will restrict the windows on the building that are used on a fairly regular basis.

Health and safety issues regarding access or exit to the site.

Right of Way over the driveway which we use on a regular basis.

The configuration of the fencing would make our store redundant and would severely affect the business that we run.

If fencing is approved there is no way that our machinery can be moved from the building.

Comments on Representations received:

Objection comments noted

The fencing is to be installed within the application site which is within the ownership of the applicant.

Private property rights are not a material planning consideration.

The mesh fencing could be erected under "Permitted Development" without the need for the submission of a formal planning application.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Private Street

Tree Preservation Order

No Public Sewer

PDR on FP/180/01 regarding windows.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7

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

Built-up Area Boundary
The Form of New Development
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

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).

It is not considered that there are any relevant policies in the Felpham Neighbourhood Development Plan that relate to this application.

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 application seeks to move the existing gate further down the driveway and replace with a fence and gates that will provide a pedestrian access to the rear.

The pitched roof building to the front western side No 6 Roundle Road is not within the ownership of the applicant. The access road runs along the eastern side of the building and to the rear there are two buildings, one sited on the western side known as 6A and one on the north side. To provide pedestrian access to the rear of the site the steel gate which is positioned to the front of the site currently in line with No 6 is to be moved back into the site in line with building 6A. The new mesh fencing which is green in colour and 2m in height will be sited approximately 1.2m from building No 6 and will extend along the side boundary 18.5m in length and will be set in line with No 6A. A new entrance gate is to be positioned to the side of the gate which will enclose the rear boundary. The gate will be open during working hours and the fencing and gates will provide secured access to the site when not in use.

The fencing is of a height that can be erected under "Permitted Development" so it is not considered that this would detract from the character and appearance of the site or harm the residential amenities of neighbouring properties.

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 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:

Location, Block, Floor, Fencing details received on 15th August 2014.
Elevations received on 15.10.14.

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.