

Recommendation Report for Planning Permission

REF NO: FP/271/18/PL

LOCATION: Bishop Tufnell C Of E Junior And Infant School
Pennyfields
Felpham
PO22 6BN

PROPOSAL: All weather surface & play equipment

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The installation of a rubber mulch safety play surface measuring approximately 200sqm along with a wooden multi-play unit with a maximum height of 3.5m.
TREES	The site is covered by Tree Protection Order Bognor no.4 but no trees are affected by this proposal.
BOUNDARY TREATMENT	The site is secured by a mixture of green metal Palisade and wooden fencing.
SITE CHARACTERISTICS	The site contains both the Bishop Tufnell Infant and Junior Schools and totals 34,230sqm, surrounded on all sides by residential developments.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council
No objection

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

We have no conditions to request due to the scale and location of the development.

Comments noted.

POLICY CONTEXT

Built-up area boundary.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution

Felpham Neighbourhood Plan 2014 POLICY CLW2	Leisure facilities
Felpham Neighbourhood Plan 2014 POLICY CLW7	Local Open Spaces
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

CONCLUSIONS

PRINCIPLE

The application is located within the built-up area boundary where the principle of development is acceptable subject to accordance with the relevant development plan policies as stated in SD SP2 of the Arun Local Plan (ALP). The site also falls within designated area Map E of Policy CLW7 of the Felpham Neighbourhood Plan (FNP) 2013-2029 regarding the retention of local open places. This development is considered to comply as the proposal for the development would promote and enhance the use of the land.

In this case the key policy of the Arun Local Plan is deemed to be D DM1.

ENV DM4 regarding the protection of trees has been considered as the site is covered by a Tree Protection Order, however, no trees are affected by this development.

QE DM1 regarding noise pollution has also been considered but it is not deemed appropriate to this particular development.

Additionally, Felpham Neighbourhood Policies CLW2, ESD1 and ESD9 are applicable.

There is no relevant site history.

SITE

The site for this development is located to the north of the Infant School building on the site of an existing grassed play area. Currently there is a small play train carriage (the 'engine' has been removed), 11 partially buried large truck tyres and a small wooden play area within the proposed area for development.

DESIGN & VISUAL AMENITY

The application requires the removal of the existing play equipment (as above), the installation of the play surface and the erection of the new wooden play structure. The scale of the development, over an area of approximately 200sqm, is considered to be very modest in comparison with the total area of the site. The proposed structure is constructed from wood and therefore the building materials are considered appropriate for the area in accordance with policy D DM1 of the ALP and ESD1 of FNP.

Policy CLW2:Leisure Facilities of the FNP requires that existing recreational space, including school

playing fields, should not be built on except for developments that would enhance recreational activities on the land and where the impact on the amenity of surrounding properties would be acceptable. This proposal is considered to meet the aims of this requirement by allowing the play area to be used throughout the year.

RESIDENTIAL AMENITY

The space to be developed is already used as a play area, albeit in fair weather only. The new all-weather surface would be available for use by pupils throughout the year and therefore could possibly permit an increase in noise. However, it is not considered that this would be significant as the equipment would only be used by pupils who firstly, use the current site and/or secondly, would already be playing somewhere elsewhere on the hard-standing during break times. Additionally, the nearest residential property is located almost 30m away in Virginia Gardens so it is thought unlikely that the proposal would have an adverse affect on these residents.

Overall, taking into account that the new play area is on the site of an existing one, and affords no overlooking or increased noise issues, it is not considered to have a significant detrimental impact on the character of the area. Therefore it is deemed to be in accordance with policies D DM1 of the ALP.

It is therefore recommended that the application be approved 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 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:-

Application form dated 06/12/18.

Annotated block plan dated 04/01/19.

Play surface information dated 25/04/18.

Manufacturer details for Chute Play Unit.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 3 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.