

Recommendation Report for Planning Permission**REF NO:** FP/98/13/**LOCATION:** Bishop Tufnell C of E Junior & Infant Scho
Pennyfields
Felpham**PROPOSAL:** Installation of a free standing umbrella canopy.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed free standing umbrella canopy which will have yellow/green supports with a yellow umbrella canopy will be 6m x 6m with an overall height of 3m.
SITE AREA	Approximately 0.134 hectare.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by green railings and hedging 1.8m to over 3m in height.
SITE CHARACTERISTICS	The site is occupied by infant and junior schools. The infant school is a single storey building which is located on the western side of the site. It has red brickwork, tiled roof with white window frames. To the rear is play equipment, duck pond and wooden shed. Parking is to the front.
CHARACTER OF LOCALITY	The surrounding area is predominantly residential with semi-detached and detached properties in Pennyfields sited around a central grassed area. Properties along the Middleton Road are detached of mixed style and design.

RELEVANT SITE HISTORY

FP/72/99/	Single classroom & link	Approve Conditionally 30-07-1999
FP/102/07/	New entrance, admin improvements, staff room and library extension.	Approve Conditionally 22-06-2007
FP/210/07/	Erection of new kitchenette to include 'hot meals scheme' to both infant and junior schools	Approve Conditionally 01-11-2007

REPRESENTATIONS

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Representations received:

Felpham Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways

This proposal appears to involve land within the existing school premises and will not impact on the nearby public highway. As a result there are no highway concerns. However, I do recommend that the LPA impose the following:

Control delivery of plant/equipment/materials outside the normal school set down and pick up periods.

Method statement to ensure that pupils, staff and visitors are segregated from the construction area.

Comments on Consultation responses:

Comments noted

It would not be prudent to impose conditions as the umbrella is to be erected in the school holidays where there are no pupils on site.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary

The Form of New Development

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

The Development Plan consists of the Arun District Local Plan 2003 which was adopted in 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to

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be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

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 install a free standing umbrella canopy in the paved area to the west of the site in the infants school.

The area is currently used as a play area and there is a pond that is enclosed with hedging. The free standing umbrella will enable the play area to be used in all weathers and will provide protection from the sun. The waterproof canopy is accessible from all sides and will be 6m x 6m with a maximum height of 3m. The tubular posts which will be powder coated will be yellow green in colour with a yellow umbrella.

The landscaping area surrounding the canopy will remain unchanged and with dense hedging of approximately 3m surrounding the site the structure will not be readily visible to neighbouring properties in Pennyfields.

It is therefore recommended that the application be approved, subject to conditions.

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 8 (right to respect for 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 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: Location 1:1250 Drg No Able 10060 Rev A, Block 1:200 Drg No Able 10058, Elevations 1:50 Drg No Able 10059, Specification Able 10057 received on 18th June 2013.

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.