Recommendation Report for Planning Permission

REF NO: **EG/61/13/**

LOCATION: Penfold Metallising Co Ltd
Barnham Road
Barnham

PROPOSAL: Single storey extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a retrospective application for a single storey extension linking two internal site walls with the side boundary wall.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Side brick wall.
SITE CHARACTERISTICS	The site is single and two storey industrial units. Brick and corragated.
CHARACTER OF LOCALITY	Mixed residential and commercial. To the front and side of the site are retail units and a car park.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Eastergate Parish Council:
Awaited.

1 letter of objection:
Whilst not directly opposed to the single storey extension we are vehemently opposed to the metal chimney to be placed on top. From every window at the back of our house it is clearly visible and is an ugly eyesore. The material used is highly reflective and as a result bounces sunlight directly into our home and garden. At times this has been so strong you cannot look at it even from inside the house. It must also be noted that in the recent high winds the chimney blew down which being so close to our gardens is of great concern. Since the development has taken place, a crack has appeared in the back wall which encloses a right of way whci is blocked by thick foliage.

Comments on Representations received:

Noted. The flue shown on the plans is 3m in height and is 1m higher than the extensions roof line. Environmental Health officers have raised no objections.

CONSULTATIONS

Environment Agency
Southern Water Planning
Environmental Health

Consultations responses received:

Environment Agency:
The site is located in Flood Zone 3 defined as having a high probability of flooding. As the extension is less than 250m2 the application falls within the scope of our Flood Risk Standing Advice (FRSA).

Southern Water:
Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Initial investigation indicate that there are no surface water sewers in the immediate vicinity. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

The applicant should look to protect the public sewerage system from inundation and infiltration which contribute to flooding in unfavourable conditions.

Environmental Health:
No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Class B Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
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 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 will be considered for publication at a later meeting of Full Council and the whole Local Plan will undergo a formal public consultation once the remaining chapters have been published (with subsequent examination and adoption). The weight given to the published policies can be significant if the polices do not have unresolved objections and are consistent with the NPPF. The published chapters are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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

PRINCIPLE
The site lies within the built up area boundary where development is acceptable in principle subject to normal development control criteria. The site is an existing engineering works. The extension is 4.2m high x 4.8m in width. A flue for the oven projects approximately 1m above the extensions roof.

NATIONAL PLANNING POLICY FRAMEWORK
Paragraph 14 states that the presumption is in favor of sustainable development. Paragraph 17 seeks to proactively drive and support sustainable economic development to deliver business and industrial units the country needs. Paragraph 18 states that the Government is committed to securing econimic growth in order to create jobs and prosperity. Paragraph 21 supports existing business sectors and should take account of expanding businesses. In this respect the small extension within the site is in accordance with this policy.

With regard to Flood Risk, paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by ensuring that development is directed away from areas at the highest risk. Where development is necessary it should be ensured that the development would not increase risk of flood elsewhere.

FLOOD RISK ASSESSMENT
The applicant has submitted a Flood Risk Assessment, which is close to the Barnham Rife which runs south of the site, passing through a culvert beneath Barnham Road. The area suffered extensive flooding in 1994 due to the blockage of the culvert. Since then the culvert has been widened to help alleviate the risk of future potential flooding. The applicant has submitted the standing advice from the Environment Agency and the floor level will not be lower than the existing level. As the extension consists of a lean to roof with unaltered floor level. The process oven is 1.1m above ground level. Therefore in the event of minor flooding the plant/equipment will not suffer flood damage. The FRA also contains a flood management plan for evacuation of the site.

VISUAL AMENITY
The extension housing the process oven is a breeze block 3 walled construction with a flat roof which is contained between two walls within the site and cannot be seen externally. It is a single storey construction. There is a flue 3m in height above the oven to a maximum of 1m above the extension roof line.

RESIDENTIAL AMENITY
The site of the extension is on a wall which is adjacent to the rear gardens of residential properties in Barnham Road. As this is an infill between two existing buildings, it is not considered that the proposal would result in any loss of residential amenity by virtue of either noise or visual appearance. The flue shown on the plan is proposed to be 1m above the extensions roof and Environmental Health Officer's have raised no objections.

SUMMARY
This retrospective application is not considered to cause any adverse effects that would result in the significant loss of visual amenity or residential amenity. It is therefore recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

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) 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 none of 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 INFORMATIVE:
A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk.

2 INFORMATIVE:
Due to surface water inundation issues in the Lidsey Catchment "The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impact of development" concerning changes to legislation which came into effect 1st October 2011 regarding future ownership of sewers as it is possible that a sewer now deemed to be public could be crossing the property. Contact Southern Water at www.southernwater.co.uk for confirmation.

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.