

Recommendation Report for Planning Permission

REF NO: P/107/17/PL

LOCATION: Sefter Farm
Pagham Road
Pagham

PROPOSAL: Extension of existing building

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Two storey extension to south elevation of existing agricultural building. The building would have an uneven gable roof and match the design of the existing main building with powder coated profiled steel sheets, blue coloured for the walls and grey to roof to match existing.

SITE AREA

0.4 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The proposed extension is within the complex of existing agricultural building and has no direct boundary treatment.

SITE CHARACTERISTICS

The site is an agricultural site where produce is grown, dried, stored and packed for markets. The site of the proposed cold store is south of the existing buildings. The reservoir and digester have been implemented.

CHARACTER OF LOCALITY

The site is in a rural location and part of farmland surrounding the site.

RELEVANT SITE HISTORY

P/72/90	Erection of new Agricultural Building	ApproveConditionally 10-09-1990
P/79/95	Renovation of existing barn to form new farm office together with extension to provide reception, admin and toilet facilities.	ApproveConditionally 10-01-1996
P/56/96	Changing room adjoining existing cool store,for agricultural workers	Approve 08-10-1996

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P/55/97	Extension to an existing vegetable cool store	ApproveConditionally 08-10-1997
P/17/99/	Extension to existing agricultural cold store and packing building, parking and landscaping.	ApproveConditionally 30-04-1999
P/24/01/	Extension to existing agricultural cold store and packing building	ApproveConditionally 15-05-2001
P/115/03/AG	Prior Notification for a New reservoir	No Further Actn 29-10-2003
P/121/03/	Cold store extension	ApproveConditionally 14-11-2003
P/134/03/AG	Prior Notification for a New reservoir	No Objection 10-12-2003
P/70/04/	New recycling storage yard with ancillary apron & service roads	ApproveConditionally 16-07-2004
P/7/05/	Farm building extensions and replacement offices.	ApproveConditionally 13-04-2005
P/136/05/	Erection of agricultural maintenance shed	ApproveConditionally 03-02-2006
P/128/06/	Extension to agricultural building	ApproveConditionally 10-11-2006
P/144/06/	Agricultural building	ApproveConditionally 24-01-2007
P/119/07/	Extension to agricultural building	ApproveConditionally 13-12-2007
P/32/08/	Replacement and extension of existing agricultural buildings	ApproveConditionally 23-04-2008
P/92/08/	On farm agricultural anaerobic digestion plant using existing agricultural trimmings and by products (This is a County Matter application & will be determined by the West Sussex County Council)	ApprvdCond-WSCC 02-10-2008
P/134/08/	Extension to agricultural building	ApproveConditionally 14-01-2009
P/43/09/	Amendment to layout approved under Planning Permission P/92/08 - On farm	ApprvdCond-WSCC 02-07-2009

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agricultural trimmings and by products (This is a County Matter & will be determined by WSCC)

P/97/09/	Application for a new planning permission to replace extant permission P/144/06/ for agricultural building	ApproveConditionally 16-04-2010
P/29/11/	Renewal of unimplemented planning permission P/32/08/ for replacement and extension of existing agricultural buildings	ApproveConditionally 24-05-2011
P/30/11/	Extension to agricultural building - amendment to previously approved P/119/07/	ApproveConditionally 01-06-2011
P/5/12/	Extension to agricultural building (approved under P/134/08).	ApproveConditionally 12-03-2012
P/19/12/	Raise roof on part of agricultural building.	ApproveConditionally 19-04-2012
P/29/12/	Extension to agricultural building	ApproveConditionally 10-08-2012
P/99/14/PL	Extension to agricultural building	ApproveConditionally 08-12-2014
P/105/14/PL	Demolition of agricultural store & extension to agricultural building	ApproveConditionally 25-02-2015
P/68/15/PL	Glasshouse, balancing pond/irrigation storage,staff facilities, water tanks, security fence & access road. This application affects the setting of a Listed Building.	ApproveConditionally 21-10-2015
P/76/16/PL	Construction of a building for the packaging, preparation & distribution of fresh foods with ancillary accommodation associated with the existing horticultural business, revisions to internal access road, car parking & hardstanding areas & landscaping & provision of a wetland. This application affects the setting of Listed Buildings.	App Cond with S106 09-06-2017
P/17/65	Grain store	Permit'd Devel 10-06-1965
P/36/79	Kitchen extension	ApproveConditionally 04-04-1979
P/17/65/A	Store for grain drying unit	Permit'd Devel

Various recent planning application approvals to site including new distribution building to south of main building in 2016, Glasshouse and balancing ponds in 2015. Development has started on some of these.

This application follows the expiration of P/05/12 which approved an extension to the main building similar to this proposal but slightly to the east of the current proposal.

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health

Engineers (Drainage)

Engineering Services Manager

Ecology Advisor

Environment Agency

WSCC Strategic Planning

Surface Water Drainage Team

Natural England

Consultations responses received:

Conservation Officer

No comments received.

Engineers

The Applicant advises that the extension will not form an appreciably larger impermeable area than as existing (due to the area currently forming a yard). This may, on the face of it, seem to be acceptable. However, whilst he does say that the drainage from the new development is to drain to a pond/lake, no details are given regarding how that yard is currently drained.

If the pond/lake in question has been specifically provided (previously) to take flows from the sheds etc. that are to be extended, (and they do not currently take the yard) it is not clear if the pond/lake has sufficient volume. If there is any overflow then that could find its way fairly directly into the flood-zoned area which is immediately adjacent to the reservoirs (pond/lake).

In summary, more detail on the existing and proposed run-off is required to show that the existing pond/lake is suitably sized.

Engineers (following additional information submitted)

No objection.

The points have now been covered. Due to the relatively small scale of the development, its location, and the fact that they are improving the current surface drainage arrangements, no comments to add to previous.

WSSC Strategic Planning (Highways)

The increase in GFA to 514sqm will not require any additional staffing and the quantity of sweetcorn produced will not change. The site already provides car parking for its staff and also has a staff mini bus service, and a good local bus service and pedestrian links to this. As such WSSC do not consider there to be any related highway safety or capacity issues.

Whilst the new store is being constructed there may be additional works vehicles on-site, and possibly deliveries of building materials which should be managed via a CMP (construction management plan) condition.

Ecologist

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Natural England

No objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Pagham Harbour SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Pagham Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Environmental Health

Contaminated land comments;

None

Nuisance;

Although the council has received a number of complaint about the operations at the farm (mainly the anaerobic digestion plant and harvesting), these have been not been associated directly with building that is having the extension. Therefore this development will not have a

direct impact on surrounding residents.

Comments on Consultation responses:

Comments noted.

Owing to the lack of comment from the Council's Conservation Officer, it is considered that the extension would have an acceptable impact on the sett of the listed buildings, given the most recent application (P/76/16/PL) for a much larger building and the approval of P/5/12/ , a previous extension to the same building which was closer to the listed buildings than this extension.

Construction management plan condition is not considered to be reasonable for a extension of this size on a site with a large access and area to park and store materials. It must also be considered that work is currently being undertaken on site for the other applications which are covered by CMP, thus protection and safety of the highways is already under consideration. It is not considered that the construction of this extension would reasonably require a CMP as the impact on the road and surrounding area would be limited.

A lighting condition will be added to account for comments regarding bats, as with previous recent approval.

Nesting birds protection will be covered by informative, the development does not outline any proposal to remove trees of hedgerows. Nor would there appear to be a requirement to given the location of the development to the south of an existing building.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary
Setting of Grade II Listed Buildings
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA10	Strategic Gaps
	DEV3	Horticulture
	AREA17	Sites of Archaeological Interest
	DEV6	Agricultural Buildings
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary
	GEN9	Foul and Surface Water Drainage
	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN23	The Water Environment
	GEN29	Nature and Conservation Across the District
	GEN33	Light Pollution
	GEN32	Noise Pollution
Publication Version of the Local Plan (October 2014):		HER DM6 Sites of Archaeological Interest
		ENV DM2 Pagham Harbour
		HER DM1 Listed Buildings
		QE DM1 Noise Pollution

SD SP2 Built-Up Area Boundary
C SP1 Countryside
SKILLS SP1 Employment and Skills
D DM1 Aspects of Form and Design
Quality
D SP1 Design
ECC SP2 Energy and climate change
mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
ENV SP1 Natural Environment
HOR DM1 Horticulture
QE DM2 Light Pollution
T SP1 Transport and Development
W DM1 Water Supply and Quality
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage
Systems
W SP1 Water

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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).

Pagham's NDP is not adopted but has been to consultation so limited weight is given to the emerging policies.

The development is considered to comply with relevant emerging policies; Policy 1, Policy 5 and Policy 9.

In terms of Policy 1, the development, although outside of the built up area boundary, is considered to conform with saved and emerging development plan policy in respect to control of development in the countryside.

In relation to Policy 5, the development will expand an existing employment use and create new employment opportunities which is supported by this policy and impacts on flood risk, local amenity, traffic, landscape and the Pagham Harbour Special Protection Area can be satisfactorily mitigated by condition or have been shown to not be significantly impacted by details already submitted.

The development is considered to comply with Policy 9 as it will facilitate more efficient use of agricultural land by enabling better handling, preparation, cleaning, packaging and despatch of produce from the land. It is also considered to be acceptable in terms of flood risk, impact on local area and biodiversity and will fuel a bio-digester already on site.

Analysis regarding the requirements of the above policies is furthered in the Conclusions section.

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 principle of extensions to the existing agricultural buildings and intensification of agricultural on this site has been established by the previous conditional approvals of P/128/06/PL, P/119/07/PL, P/32/08/PL, P/97/09/PL, P/134/08/PL, P/5/12/PL and P/29/12/PL which allowed similar extensions.

The extension is not considered to increase the overall size of the existing agricultural building to such an extent that it would have a significantly detrimental impact on the countryside outside of the built up area boundary.

The extension would create additional employment opportunities by intensifying the agricultural use of the site which is supported by Pagham NDP Policy 3 and 9.

In terms of principle the development is considered to comply with saved policies GEN2, GEN3 and GEN7.

VISUAL AMENITY, SETTING OF LISTED BUILDINGS & VISUAL IMPACT ON COUNTRYSIDE

The extension would be set further away from the Pagham Road that the previous approval P/5/12/PL so will have a marginally reduced impact when viewed from Pagham Road. In the wider context of the area having regard to the countryside setting, the extension will blend with the existing building and is not considered to increase the physically 'built up' appearance of the site substantially. It must also be noted that whilst outside of the BUAB in the Countryside, this part of the site does have the characteristics of a medium scale industrial farm. The extension is not considered to intensify this character to an extent which could lead to harm to the setting of the nearby listed buildings, visual amenity of the area or wider countryside.

In terms of visual impact on the area and surrounding countryside the development is considered to be acceptable in line with saved policies GEN7, GEN3 and Pagham Parishes Village Design Statement.

RESIDENTIAL AMENITY

The extension would be located more than 0.39km away from the nearest residential dwelling so it is not considered it would have a significant physical impact in terms of residential amenity. Environmental Health have raised no objection in terms of increased noise and disturbance.

The lighting condition that will need to be complied with in terms of impact on bats will also reduce the light spillage that could detrimentally impact residential amenity.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policies GEN7, GEN32 & GEN33.

BIODIVERSITY AND IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA

No objection has been raised to the proposal by Natural England or the Council's Ecologist and further to their comments a condition will be added to control lighting on the site in terms of impact on the bat population. As such, the development is considered to comply with saved policy GEN29 and emerging Pagham Policy 9 in terms of impact on biodiversity and the Pagham Harbour Special Protection Area.

FLOOD RISK (FLUVIAL)

The site is at low risk from flooding from fluvial sources, as such the development is not considered to increase or be at risk from fluvial flooding.

SURFACE WATER DRAINAGE

There has been no objection from the Council's Drainage Engineers given the details submitted with the application regarding surface water drainage. The extension is to be created over an existing hard surface and the site has capacity within existing reservoirs for run off. As such, there will be no significant increase in risk from surface water run off and the development is considered to comply with saved policy GEN9.

The application is considered to comply with the development plan and is recommended for conditional approval.

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 (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:

001 rev 02
102 rev 02
103 rev 02
104 rev 02

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 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing attached building.

Reason: In the interests of amenity in accordance with policies GEN7 of the Arun District Local Plan.

- 4 No external lighting shall be installed on site in relation to this development until plans showing the type of lighting, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 5 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 7 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).