

2.4 REFERENCE NO - 14/505351/FULL			
APPLICATION PROPOSAL Proposed rear extension			
ADDRESS Dane Works Crown Quay Lane Sittingbourne Kent ME10 3HU			
RECOMMENDATION – GRANT with conditions, subject to the views of Network Rail			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal supports an existing employer without unacceptably impacting upon residential amenities.			
REASON FOR REFERRAL TO COMMITTEE At the request of Councillor Sylvia Bennett			
WARD St Michaels	PARISH/TOWN COUNCIL	APPLICANT Lebus International Engineers Ltd AGENT Mr Steve Gee	
DECISION DUE DATE 13/2/15	PUBLICITY EXPIRY DATE 7/01/15	OFFICER SITE VISIT DATE 06.01.2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
None Relevant			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a B2 industrial unit located adjacent to the railway line to the north and the ambulance station to the south.
- 1.02 There are two residential properties located to the south west of the site and the fire station to the west.
- 1.03 The existing unit is a pitched roof structure with rooflights running along the length of the roofslope. To the front of the site is a two storey flat roofed office area and three parking spaces.

2.0 PROPOSAL

- 2.01 This application seeks planning permission for an extension to the existing industrial unit.
- 2.02 The existing structure measures approximately 36m in length and 14m in width. It is 6m to the eaves and 9m in overall height.
- 2.03 The extension measures 11.5m in length and 15m in width, 5.5m to the eaves and 8.7m in overall height. A small section of mezzanine floor is proposed, 3.3m in length. The materials used on the external walls will be brickwork to match the existing and also aluminium sheet cladding. There will also be rooflights running along the roofslope of the extension, matching those on the existing building.

- 2.04 There is currently an outbuilding located to the rear of the main structure and a small yard area. This will be replaced by the proposed extension.
- 2.05 The applicants have stated that the proposed extension will allow for the increase of 1-2 employees from the existing number of 14.

3.0 PLANNING CONSTRAINTS

- 3.01 None Relevant

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) places significant weight on supporting economic growth through the planning system.

The NPPF was released on 27th March 2012 with immediate effect, however, para 214 states “that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

The 12 month period noted above has now expired, as such, it is necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF.

This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012.

Policies E1 (general development criteria), E19 (Achieving High Quality Design and Distinctiveness) E24 (Alterations and Extensions) and B1 (Supporting and Retaining Existing Employment Land and Businesses) are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

5.0 LOCAL REPRESENTATIONS

- 5.01 One neighbour objected to the application on the following grounds:
- Over shadowing, loss of light and impact on visual amenity;
 - Noise and smells;
 - Overlooking
 - Loss of property value;
 - Loss of view

6.0 CONSULTATIONS

- 6.01 Councillor Bennett requested that the application be reported to the Planning Committee stating:

“I have received an objection from the occupiers of No 1 St Michaels Rd who are the only residents in the road and right next door to Dane Works.

Mr Lunnis would like the chance to come along to the planning meeting to give members the chance to hear his objections.

Also I have seen the photographs of the proposed extension and find it very obtrusive.”

- 6.02 The Council's Environmental Health Manager has raised no objection subject to conditions regarding construction noise, dust control and asbestos removal.
- 6.03 Network Rail have been consulted but have not yet responded. I will update Members of the response at the Meeting.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers and drawings referring to the application reference 14/505351/FULL.

8.0 APPRAISAL

The two key issues in the determination of this application concern the principle of development and the impact of the proposal upon neighbouring amenities. These issues will be dealt with in turn below.

Principle of Development

- 8.01 The site is an existing B2 industrial unit and has been operating on the site for a number of years. The NPPF places significant weight on supporting economic growth and Policy B1 of the Local Plan states that "*Proposals for the expansion of existing businesses on-site, or onto adjoining land, will be permitted provided the expansion proposal would not result in a loss in the supply of small sites or units which are specifically intended for start-up businesses*". The extension is proposed wholly within the site boundary of the existing business and as such the proposal is compliant with this Local Plan policy. Furthermore, the proposal will allow for the improvement of working conditions for existing employees and the possibility of the creation of 1-2 jobs. Therefore subject to being compliant with other relevant Development Management policies the proposal is acceptable in principle.

Neighbouring Amenity

- 8.02 The closest residential properties to the site are No.1 and No.2 St Michaels Road. An objection has been received from No.1 St Michaels Road on the grounds of overshadowing, loss of light, impact upon visual amenities, noise, smells and overlooking. I will discuss each of these issues in turn.
- 8.03 The flank wall of the extension will be located approximately 21m from the rear elevation of No.1 St Michaels Road. It should also be noted that the ground level of the proposal site is set slightly lower than the residential properties and the ridgeline of the extension will be set approximately 0.2m below the ridgeline of the existing building. As such, the gap between the properties and the proposed extension combined with its scale will, in my opinion, not have an overbearing impact upon No.1 St Michaels Road I also note that the site lies to the north of the dwelling concerned and as a result will not lead to loss of light or overshadowing. .
- 8.04 The objection was also raised on the grounds that the noise and smells associated with the use of the site will increase due to the proposal. The possibility of any outside work including the likelihood of noise arising from forklift trucks or the smell of spray painting will be drastically reduced as the extension will take up the majority of the existing yard area and will remove the outbuilding where these activities currently take place. As such, in terms of noise and smells I believe that the proposal would have a positive impact upon neighbouring amenities when considered against the current arrangement.
- 8.05 Further grounds for objection regarded overlooking from the proposed rooflights if the upper level of the building is used as offices. The rooflights are high level and there is no office space proposed. As such I do not consider that there is any potential for overlooking.

- 8.06 The objection also raised the issue of the retaining wall which makes up the common boundary between the rear garden of No.1 St Michaels Road and the proposal site being under threat due to the reduced space for works to take place. I am of the opinion that the proposed extension would result in work which is currently undertaken outside to be taken inside the building and therefore resulting in a significantly smaller opportunity for the wall to be damaged. Damage to the party wall here is a private matter between the relevant parties.
- 8.07 In addition to the above details I have consulted with the Environmental Health Manager who raised no objection subject to conditions regarding construction noise, dust control and asbestos removal. The conditions regarding construction noise and dust control have been included to protect neighbouring amenities during the construction phase of the development. However, I do not suggest imposing the condition regarding asbestos removal as this is dealt with under other legislation and case law is clear that planning conditions should not seek to duplicate such controls.

Other Matters

- 8.08 I also note that the objections letter relates to the proposal having a negative impact upon property prices and the loss of the existing view. These are not material planning considerations and as such require no further elaboration.

9.0 CONCLUSION

- 9.01 In overall terms the proposal represents a fairly modest extension when viewed in context of the existing structure. The extension is a suitable distance away from existing neighbouring properties as to not have an unacceptable impact upon neighbouring amenities in terms of overshadowing or loss of light. Furthermore the extension will replace an existing outbuilding and yard area which will mean that there is very little possibility of outside working in the future, resulting in a positive impact upon neighbouring amenities in terms of noise and odours. Finally the conditions suggested by the Environmental Health Manager will protect neighbouring amenities during the construction phase. As such, I consider that the proposal is acceptable, it supports an existing employer without unacceptably impacting upon residential amenities and therefore I recommend that planning permission be granted.

- 10.0 RECOMMENDATION – GRANT** Subject to the views of Network Rail and to the following conditions:

CONDITIONS to include

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

- (3) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

- (4) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the District Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the District Planning Authority.

Reason: In the interests of residential amenity.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.