

Recommendation Report for Planning Permission

REF NO: AL/12/25/PL

LOCATION: Portsmouth Water Westergate WTW
Level Mare Lane
Westergate
PO20 3SB

PROPOSAL: New permanent building to improve the current water treatment facilities with the construction of a new PRV building. This application is in CIL zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

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|----------------------------|--|
| DESCRIPTION OF APPLICATION | This application seeks a new permeant building to accommodate a Pressure Return Valve (PRV). |
| SITE AREA | 50 sqm. |
| TOPOGRAPHY | Predominantly flat but the sites slopes up towards the eastern end. |
| TREES | A TPO (3/31/90 TPO) is present on the north-western boundary of site. None of the trees will be effected by the prosed development. |
| BOUNDARY TREATMENT | Predominantly post & rail fencing with hedging in places. |
| SITE CHARACTERISTICS | Existing Water Treatment Works Site. There is a pumping station located adjacent to the access drive in the northern part of the site, there are also a number of concrete structures/plant which are partially above ground. Otherwise grassed with a hard surfaced driveway. |
| CHARACTER OF LOCALITY | Rural location. There are a few houses to the north of the site on Level Mare Lane. |

RELEVANT SITE HISTORY

| | | |
|-------------|---|----------------------------------|
| AL/35/17/PL | Variation of condition No. 2 & 3 imposed under AL/18/15/PL for change in colour of building, level of floor slab, drainage scheme & new landscape proposals. Resubmission of AL/18/15/PL | ApproveConditionally 17-11-17 |
| AL/18/15/PL | Combined UV Water Treatment & Pumping Station Building, including associated upgrade facilities. | ApproveConditionally 05-06-15 |

REPRESENTATIONS

Aldingbourne Parish Council - No objection.

No comments made by neighbouring residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection subject to conditions.

Environment Agency - No objection subject to condition.

ADC Ecologist - No objection subject to condition.

- The site is within the Singleton and Cocking SAC 1200m HRA buffer. An appropriate assessment may be required. However, given the small amount of habitat loss an appropriate assessment can be scoped out

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-up Area Boundary

TPO

WSCC Mineral Consultation Area

Singleton and Cocking Tunnels SAC Buffer Zone

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

| | |
|--------|---|
| CSP1 | C SP1 Countryside |
| DDM1 | D DM1 Aspects of form and design quality |
| ENVDM4 | ENV DM4 Protection of trees |
| ENVDM5 | ENV DM5 Development and biodiversity |
| LANDM1 | LAN DM1 Protection of landscape character |
| QEDM1 | QE DM1 Noise Pollution |
| QESP1 | QE SP1 Quality of the Environment |
| TSP1 | T SP1 Transport and Development |
| WDM3 | W DM3 Sustainable Urban Drainage Systems |

Aldingbourne Neighbourhood Plan 2019-31 Policy Supporting existing employment and retail
EE1

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies 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 the provision of infrastructure accords with policy which seeks to control the location of development. The proposal is acceptable, or can be made acceptable via condition, in respects to residential amenity, character and appearance, biodiversity, transport matters and drainage.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
 - (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- The application is de minimis.

CONCLUSIONS

PRINCIPLE

Policy C SP1 of the Arun Local Plan (ALP) states that development outside the built-up area will only be permitted where it meets one of the following needs: agricultural needs, diversification of the rural economy, informal recreation, road or cycle schemes, or where it accords with other policies in the Plan.

In this instance, as the proposal complies with Policy INF SP1 of the ALP, for a specific form of development, i.e., the provision of infrastructure to serve the needs of the local community, it is therefore subject to compliance with this policy. It also complies with Policy C SP1 of the ALP.

Policy INF SP1 supports development proposals that provide or contribute towards infrastructure. It goes on to explain that the Authority will support service providers for the delivery of utility infrastructure required locally to serve existing or new developments, ensuring the growth of the District. Within the preamble of the policy, the types of infrastructure needed are discussed. The list in paragraph 22.1.2 is not exhaustive, but one of those cited is 'Utilities.'

This proposal seeks to deliver a building to accommodate a Pressure Return Valve (PRV) within the Ultra Violet Water Treatment site. The PRV will improve the efficiency and robustness of the facilities on-site. The site is an existing facility, and the works seek to upgrade the development. The proposed building works are located within the extents of the existing site. The proposal accords with Policy INF SP1 of the ALP.

Policy EH1 of the Aldingbourne Neighbourhood Plan states that proposals outside of the BUAB are not supported.

CHARACTER AND APPEARANCE

The area consists of a single rectangular UV plant building, which is utilitarian in style, metal-clad with a low-pitched roof and few openings. There are also various other concrete chambers and storage tanks present on-site. Apart from the water treatment facilities, the site is verdant (consisting of a large proportion of amenity grassland) and well-screened from the highway.

This application proposes a building to accommodate a large pressure valve, which is partially subterranean. The building will have a footprint (concrete slab) of 8.5m by 5.8m and an overall height of 3.3m to the top of its shallow pitched roof. The proposed building is similar to the existing one, i.e., utilitarian in style, with few openings and a shallow pitched roof. Like the existing building on-site, the proposed building is to be clad (presumably metal) and finished in green. Overall, the scale of the proposal is smaller than the other building on-site, and as such, the scale of development is appropriate.

Given the significant extent of mature tree and hedge screening, views of the side elevation of the building will be limited. As the site currently operates as a water pumping/treatment site, the proposed use is in keeping, and there will be no harm to the character of the area.

Overall, the use, scale of development, and visual qualities of the proposal are in keeping with the existing site conditions such that the proposal accords with Policy D DM1 of the ALP.

The proposed development will be located in a well-screened, secluded site. Despite being only 300m away from the edge of the National Park, as there will be no inter-visibility between the sites, the proposal will not impact the setting of the South Downs NP and accords with the aims of LAN DM1 of the ALP.

RESIDENTIAL AMENITY

Policies D DM1 and QE SP1 require development to have minimal impact on the users and occupiers of nearby properties and require development to contribute positively to the quality of the environment. Policy QE DM1 states that new noise-generating development should be supported by an appropriate noise assessment detailing the existing noise environment, the likely impact of the development, and evidence to show that it will not negatively impact noise-sensitive environments.

The nearest sensitive noise receptors are a small group of dwellinghouses, the nearest of which is 90m

in a north-westerly direction. It has been confirmed by the applicants that, apart from the noise generated during construction (which will be controlled by best practice mitigation measures and will only last for a short duration), the day-to-day operation on-site will not result in significant additional noise generation. Furthermore, daily operations on-site will not generate a greater number of visits from employees, such that no significant noise impacts are expected to arise from the proposal.

Given the appropriate scale of the development, the good separation gap between the site and nearby neighbours, and the mature screening, no impact in terms of noise, overbearing/overshadowing effects, or effects on privacy levels are expected to arise from the development. The proposal accords with policies D DM1, QE SP1, and QE DM1 of the ALP.

TREES

Policy ENV DM4 relates to the protection of trees. Informed by appropriate surveys, new development should be designed to have a comprehensive approach to trees, ensuring negative impacts are negated.

A group of TPO trees can be found on the north-western boundary of the site. The nearest point between the proposed development and this tree group is approximately 20-25m away. No trees are to be removed as part of this development, and given the extensive underground runs of water-carrying pipework, tree root coverage where development is proposed is not expected to be extensive. The proposed development has had regard for trees at an early stage by proposing development well away from trees.

The proposed development will not impact the TPO group or any other trees found within the boundary treatment, and it accords with Policy ENV DM4 of the ALP and EH6 of the ANP.

HIGHWAYS AND PARKING

Policy T SP1 ensures the development of the transport network so that it reduces the need for car travel, promotes green infrastructure, protects the major road network, maintains appropriate levels of parking standards, and requires applications to consider and design development in relation to transport infrastructure.

The Arun Parking Standards does not set out the parking requirements for such a development, it is noted there is plenty of existing hard surface/informal parking spaces existing on site.

The proposal is not set to increase the parking requirements or frequency of visits to the site by operatives. There is ample space provided on-site to accommodate the required needs, and the proposal complies with Policy T SP1.

BIODIVERSITY

Policy ENV DM5 seeks to achieve a biodiversity 'net gain' (BNG) and protect existing habitats on-site. This can be achieved through incorporation of biodiversity elements such as green walls, bird/bat boxes, or other mitigation measures into the landscape. This proposal does not require a 10% measurable Biodiversity Net Gain (BNG), as the development would result in the loss of under 25sqm of habitat. Most of the development will occur on 100% sealed hard surfaces.

A Preliminary Ecological Appraisal is provided with the application. It demonstrates that there are no protected sites within 2km of the application site. The site falls in the Singleton and Cocking Tunnels SAC buffer zone, which is identified for supporting maternity colonies of Barbastelle bats.

The site is located in the 12km buffer zone of the SAC with landscapes that support or are in close proximity to suitable commuting and foraging habitats, such as mature trees/hedge lines. Regard should be given to the possibility that Barbastelle and Bechstein's Bats may be utilising the site. Within the red

line, no suitable habitat to support bats was found. Nor was any suitable habitat found which supports badgers, reptiles, great crested newts, birds, or dormice. The wider blue line area was also surveyed and found to have a moderate potential for badgers, dormice, bats, and birds within the wider area, given the rural countryside and the relatively open nature of the site itself. Without mitigation, there would be potential for local/site-level adverse impacts arising from the construction phase of development.

Various mitigation measures, including wildflower planting, bat boxes, and a hibernaculum, have been suggested to counteract the limited adverse effects the development proposes. It has been satisfied that the proposed mitigation can be achieved in practice and is controllable via condition. The Council's Ecologist is satisfied with this approach and the need for an Appropriate Assessment has been scoped out.

Subject to condition, the proposal is in accordance with policies ENV DM5 and EMP DM1(6)(f).

FLOOD RISK AND DRAINAGE

The site is in Flood Zone 1 and has a very low risk (1 in a 1000-year) of surface water flooding to the central and western parts of the site.

The site uses infiltration to soakaways as a means of capturing and storing surface water, and this is proposed as a means to prevent surface water flooding for the new development. ADC Drainage Engineers have not commented on this application. Despite this, there is no reason why the proposed development would not also be able to successfully discharge surface water to existing/new soakaways.

Infiltration to the ground on-site is the primary means of dealing with surface water and tops the SuDS hierarchy. Therefore, the proposal accords with Policy W DM3 of the ALP and Policy EH5(b) of the ANP.

SUMMARY

The proposed development aims to deliver a building for a Pressure Return Valve (PRV) within the Ultra Violet Water Treatment site. The PRV will enhance the efficiency of the existing facilities. The development is in line with the Arun Local Plan (ALP) and Aldingbourne Neighbourhood Plan (ANP), specifically Policy INF SP1 and Policy C SP1, which support infrastructure developments and the protection of the rural economy.

The proposed building, will have minimal impact on the character and appearance of the area, or affect the setting of the South Downs National Park. The scale of the development is appropriate and will not harm residential amenity, with no significant noise or privacy impacts expected. No TPO trees will be affected by the proposal, and the development has been designed with sufficient distance from tree groups to avoid negative impacts. The proposal also complies with the relevant highways and parking policies as it will not increase traffic or parking needs. In terms of biodiversity, the proposal does not trigger a requirement for a measurable biodiversity net gain but will implement mitigation measures, including the installation of bat boxes and wildflower planting, to minimise any potential impacts. The Council's Ecologist is satisfied with these measures. Additionally, the flood risk is minimal, and the drainage strategy aligns with the SuDS hierarchy.

The proposal is considered acceptable in terms of its impact on the environment, character of the area, and residential amenity. The development complies with the relevant policies of the Arun Local Plan and the Aldingbourne Neighbourhood Plan, and the mitigation measures proposed will address any potential environmental concerns. Therefore, the application is recommended for approval subject to appropriate 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.

CIL DETAILS

This application is not CIL liable, as other development.

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:

1. Location and Block Plan 9100 P03
2. PRE Building Plan 3003 C01
3. PRE Building Section 3005 C01
4. PRE Building Elevations 9102 P01
5. Kiosk and Base Floor Plan 1002 P01
6. Kiosk and Base Sections 1003 P01
7. Roof Plan 9101 P01
8. Site Plan 9002 P01

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

3 No internally or externally located plant, machinery equipment or building services plant shall

be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

4 Prior to any development above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Ecosupport, 6 February 2025), shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

5 All mitigation and survey actions shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Ecosupport, 6 February 2025), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This shall include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise immediately prior to/during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV SP1.

6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.