

REPORT UPDATE

Application No: AL/30/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

1. The word 'tinkering' is featured on line 12 of the Conclusion. However, this should be a typo and should read 'tankering'.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: AL/30/18/PL

LOCATION: Land at Nyton Road
and Northfields Lane
Westergate and Land off
Fontwell Avenue

PROPOSAL: Continuance of use without compliance with condition 24 imposed under AL/61/13/ (APP/C3810/A/14/2217385) relating to proposed private treatment plant.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to remove condition 24 imposed under reference AL/61/13/.
SITE AREA	11.64 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 18dph.
TOPOGRAPHY	Site slopes down gradually from north to south.
TREES	Many within the site and forming the boundary to the western edge. Significant line of trees running north-south from the southern part of the site. A Tree Preservation Order (TPO/AL/1/13) covers an ash tree and evergreen oak located in the south western corner of the site.
BOUNDARY TREATMENT	The eastern boundary of the site is kept by a hedgerow which supplements low level post and wire fencing. Northern boundary kept by various fencing, intermittent hedging and a row of trees to the north-west corner. Southern boundary kept by mature hedging, low level wire fencing in part and fencing. Part of the western boundary is kept by domestic boundary

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SITE CHARACTERISTICS

hedging/fencing to the larger residential curtilages within Northfields Lane and the north part by a country lane with open farmland beyond.

The site was predominantly in agricultural use with a large part of the land previously in use as grazing land with a barn and storage area for farm machinery/equipment centrally located within the site.

Existing horticultural use was located to the south-west corner of the site. The use included greenhouses with growing areas and a residential property which is associated with the nursery. The greenhouses have been demolished.

The north-west corner of the site is in use for the keeping of horses with stables and associated hard-standing.

CHARACTER OF LOCALITY

Accesses are currently available to the site from Fontwell Avenue, Nyton Road and Northfields Lane

Site is located on the edge of the settlement of Westergate. Residential properties line the southern boundary of the sites, these are a mix of 1 and 2 storey properties of varied designs.

Pig sheds, farmland and scrap yard to the north/north-east of the site with residential properties and Fontwell Racecourse beyond. To the east is the A29 with residential properties beyond.

Northfields Lane runs along the western boundary which provides a significant landscape buffer between the application site and the open arable farmland to the west.

RELEVANT SITE HISTORY

AL/28/18/DOC	Approval of details reserved by condition imposed under AL/61/13/ (APP/C3810/A/14/2217385) relating to condition 16-details of external lighting, 19-surface water drainage scheme, 20-discharge of watercourses, 21-Maintenance Manual for SUDs, 22-future access & maintenance of any watercourse or culvert crossing & 23-foul drainage system.	DOC Approved 07-06-18
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AL/22/18/DOC	Approval of details reserved by condition imposed under AL/102/17/RES relating to condition 2- Bin Collection Strategy Plan.	DOC Approved 11-06-18
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AL/119/17/DOC	Application for approval of details reserved by condition imposed under AL/61/13/ (APP/C3810/A/14/22173850)	DOC Approved 21-03-18 REPORT(CDB)
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relating to conditions 5-Arboricultural Method Statement, 8- Archaeological Investigation, 14-schedule for removal or long term management of Japanese Knotweed, 15- Construction Environmental Management Plan, 17- Ecological Enhancement Scheme & 18-Construction Method Statement.

AL/102/17/RES	Application for approval of Reserved Matters following outline application AL/61/13/ for the demolition of existing glasshouses, bungalow, stables & outbuildings & residential development of 268 dwellings incl 30% affordable housing (incorporating 60 senior living units) with associated access, public open space & landscaping	ApproveConditionally 24-01-18
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AL/61/13/	Outline application with some matters reserved for the demolition of existing glasshouses, residential bungalow, stables and various outbuildings and residential development of up to 268 dwellings including 30% affordable housing (incorporating 60 Senior Living units), with associated access, public open space and landscaping. This is a Departure from the Development Plan.	Refused 14-02-14
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**Appeal: Allowed+Conditions
23-02-15**

The outline application (AL/61/13) was refused in February 2014 for the following reasons:

- Outside the built up area boundary; and
- Lack of S106 undertaking in relation to affordable housing and other infrastructure requirements.

Permission was granted on the 23 February 2015 following an appeal with a S106 agreement including the provision of on site affordable housing, open space and contributions towards swimming pool, sports hall, artificial pitches, NHS, public art, MUGA, Highway works, libraries, education, fire service, footways and cycleways, bus service funding and a Travel Plan.

Reserved matters were approved under reference AL/102/17/RES by development control committee on the 17th January 2018. Surface water and foul drainage conditions imposed under reference AL/61/13/ were discharged under reference AL/28/18/DOC and the approved foul drainage details did not include the provision of a treatment plant on site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

OBJECTION

The Parish Council have grave concerns over the land and foul drainage proposed and whether the

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current infrastructure will cope with additional discharge. Therefore, the Parish Council resists any change to the condition requiring improvements to drainage on site as the current foul drainage is at capacity.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted. However, condition 24 is only relevant if a private treatment plant is to be provided on site. It has been identified by the developers that a private treatment plant is not required and this approach has been agreed with Southern Water in the discharge of condition 23 under reference AL/28/18/DOC. Therefore, the condition is not necessary and could not be discharged prior to the commencement of development.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER

Comments received 5th April 2018:

- Southern Water would have no objection to the proposal in relation to condition 24.

ENGINEERS (DRAINAGE)

Comments received 22nd March 2018:

Please to see that the proposed private treatment plant is no longer required. We therefore assume that an agreement has been reached to connect to the Southern Water sewerage system.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN25	Water Resources
GEN26	Water Quality
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

W DM1	Water Supply & Quality
W DM2	Flood Risk
WM DM1	Waste Management
W SP1	Water

PLANNING POLICY GUIDANCE:

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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 taking 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).

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 adverse impact upon the existing sewerage system.

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

Condition 24 of planning approval AL/61/13/ states that;

"Prior to the commencement of development details of a scheme to attenuate flows from the proposed private treatment plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details to show how peak flows from the proposed treatment plant can be attenuated on site and restricted to a suitable rate so to not increase the risk of flooding to communities from the Lidsey Rife. The proposal shall be implemented in accordance with the approved details."

The foul drainage at the site was considered as part of the reserved matters application and the developers had undertaken discussions with Southern Water. Southern Water's response to the reserved matters application confirmed that the foul sewerage from the proposed development can be discharged to the public foul network on completion of the proposed sewerage network works. Before the works are implemented in full a temporary system is proposed which would limit the foul water discharge to the public sewer, combined with tankering of the excess from the site. Therefore, a private treatment works is not required at the site and as such Condition 24 is no longer necessary. It is considered that the proposed foul drainage strategy as previously discharged under reference AL/28/18/DOC is acceptable and would accord with policy GEN9 of the Arun District Local Plan and policy W DM1 of the emerging Arun District Local Plan.

Southern Water and ADC Drainage have been consulted in relation to this application and have raised no objection to the proposal. Therefore, it is recommended that the application is approved and Condition 24 imposed under planning approval AL/61/13/ (APP/C3810/A/14/2217385) relating to the private treatment plant is removed.

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

- 1 INFORMATIVE: Condition 24 relating to the private treatment plant is removed from planning approval AL/61/13/ (APP/C3810/A/14/2217385). All other conditions remain in force with the exception of Condition No's 5, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 which have already been discharged.