

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: AL/59/17/HH

LOCATION: Thatched Cottage
Arundel Road
Norton Aldingbourne

PROPOSAL: Retrospective permission for the installation of a new sewage plant.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The treatment plant is situated within the existing garden. The only part visible is the green roughly oval shaped 'lid' as shown on the submitted photographs.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Partly hedges, partly close boarded fencing.
SITE CHARACTERISTICS	Existing thatched cottage with gardens. Access is from a track to the west which meets the A27.
CHARACTER OF LOCALITY	Rural area. Fields to all directions. A27 a short distance to the north.

RELEVANT SITE HISTORY

AL/86/99/	Single storey extension.	ApproveConditionally 26-11-1999
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None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A.

CONSULTATIONS

Environment Agency

Consultations responses received:

ENVIRONMENT AGENCY - No objection. Request that an informative be added.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
 Special Control of Adverts;
 Public Right of Way;
 No Public Sewer;
 Source Protection Zone 0
 Overhead Electric Line; and
 TPO AL/1/89;

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN3
GEN7
GEN9
GEN23

Protection of the Countryside
 The Form of New Development
 Foul and Surface Water Drainage
 The Water Environment

Publication Version of the Local
 Plan (October 2014):

D DM1 Aspects of Form and Design
 Quality
 C SP1 Countryside
 W DM1 Water Supply and Quality
 W DM3 Sustainable Urban Drainage
 Systems

Aldingbourne Neighbourhood Plan 2016 POLICY
 EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY
 EH5

Development in Flood risk areas will not be
 supported unless...

Surface Water Management

PLANNING POLICY GUIDANCE

NPPF
 NPPG

National Planning Policy Framework
 National Planning Practice Guidance

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 in preparation may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The relevant policies of the Aldingbourne Neighbouring Plan are considered within this report.

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

The application concerns the retention of an existing foul treatment plant situated within the garden of the dwelling. This is operational development and is therefore in essence inappropriate development by virtue of being outside the built up area boundary. However, the plant is situated below ground level with only the maintenance hatch or lid visible above ground. Furthermore, the plant is within an existing garden and therefore only visible from within that garden. As such, it is not considered that its siting in this location will be harmful to the character/appearance of the countryside.

Aldingbourne Neighbourhood Plan policy EH5 "Surface Water Management" requires that new development make appropriate provision for accommodating foul water arising from the development. This does not concern new development but does present provision for foul sewage treatment and is required given the lack of a public sewer in this location. The Environment Agency have been consulted and have not raised any objection. An informative will be added to make the applicant aware of the potential need to obtain an environmental permit.

It is recommended that permission is granted subject to the following conditions and informatives.

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 approved shall be carried out in accordance with the following approved plans:

"Site Location Plan";
"Biotec Technical Specification"; and
Assorted colour photographs showing the unit in situ.

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.

- 2 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 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.
- 3 INFORMATIVE: Under the Environmental Permitting (England & Wales) Regulations 2016 it is an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. The site is located within a Source Protection Zone 1c for the Westergate abstraction which is located 400m east of the site. Due to the size of the development the discharge of domestic sewage associated with this development may be subject to General Binding Rules under the Environmental Permitting (England & Wales) Regulations 2016 which provide a statutory baseline of good practice. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on 03708 506506.