

Report following a request for further information, negotiations or consultation

REF NO: BN/18/20/PL

LOCATION: Former Brooks Nursery
Eastergate

PROPOSAL: Variation of condition 15 imposed under EG/29/13/ relating to condition 15 - to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works.

Committee resolved on 24th June Committee that information should be required of Southern Water as to whether the scheme could be connected to the Barnham main road sewer once the repairs being undertaken was completed. The application is being returned to Committee for further consideration in light of comments from Southern Water. Additional comments received are also reported.

In response officers contacted Southern Water for comment and have provided the following:

"A scheme to look at providing reinforcement for this development is currently being progressed through our section 98 requisition process and the outline design is with our engineering team.

The applicant has confirmed the design and construction of the pumping station, together with the section of rising main within the site boundary, will be undertaken by the developer. The final circa 45m of rising main and connection to the existing public sewer is to be undertaken by SWS under the S98 mechanism, due to the need to cross third party land. The developer has proposed a connection to manhole SU95043802 on Elm Grove South to the east of the site but other locations are being considered.

The final point of connection will be determined as the design progresses and this will form part of the wider design for the Lidsey Waste Water Treatment Works catchment. The growth design study has commenced but no completion date has been identified at this point in time and at present I do not know when this will be decided."

"The work being carried out in Barnham Road is Southern Water. CBUL are repairing a sunken manhole in the middle of the road due to a large dip, that was put into place a long time ago by a developer.

Below is the official breakdown from operations -

Emergency works, carriageway has sunk: excavation required to repair collapsed sewer and break out existing manhole chamber & rebuild. Closed from the junction of Downview Road to the junction of Elm Grove with works taking place outside no. 99 Barnham Road."

The agent has taken the opportunity to provide the following information:

The Barnham Road works are to repair a faulty/collapsed manhole - and being done in liaison between Southern Water and Highways. This is a coincidence and not related to any wider upgrade works to the system, and is not related to/affected by proposals or changes to the flow in the system.

The reason a connection from the new housing can be made now, where it couldn't originally, is because of New Connection Charging which changes the requirements for infrastructure upgrades. Internal modelling has been able to identify that there is sufficient capacity in the existing system, in terms of how

many properties can connect into the system, and if any upgrade work needs to be done will be carried out by Southern Water.

An assumption raised at Committee, following public representations, was that we are proposing an "8 inch" rising main to connect to the one on Elm Grove which is 6 inches/150mm. This led to incorrect claims being made that the latter could not accommodate what is being pumped into it. The proposal is an 85mm diameter rising main, and connects in the proposed discharge manhole. There is no "non-return valve" on the system - what has been shown is an air valve, located at the highest point along the run of the rising main to vent air only. This is located with a brick structure. The scheme does not discharge into the Rife, all foul discharges into the southern Water treatment plant. This is an improvement on the treatment plant, the outfall from which produced unsatisfactory results.

Measures for safeguarding and safe release into the sewage system:

1. Pumping station will have installed a telemetry monitoring system allowing Southern Water to monitor the system on a 24/7 basis. Any failures in the system, or issues with storage in the chamber, will be alerted via the telemetry system linked to Southern Water's operation office (which is also monitored 24/7). This is a standard installation for adopted pumping stations.
2. Pumping station has 24hr storage capacity. This in provides a further safety in the unlikely event of serious failure. It provides Southern Water ample response time to attend the site.
3. The discharge of the foul sewage from the pumping station to the network will be timed, using telemetry, to pump at off-peak time; this will helps minimise peak flow levels and keep these well within carrying capacity.
4. The discharge from the development is an enclosed solution, removing the potential for smells and potential breakdown. The discharge into the Southern Water network has received a S106 consent to discharge, and have confirmation there is sufficient capacity to take additional plots from the development.

Elm Grove South Residents Association:

A statement from Elm Grove South Residents Association has been received and requests it is sent to Southern Water and to be lodged on the BN/18/20/PL planning file and a copy sent to Neil Crowther.

The Residents Association endorse Dr.Mason's questions and look forward to Southern Water's full and detailed response. Once the questions have been answered to ours and the ADC Members' satisfaction, we will look forward to the application's timely re-appearance at a planning committee session.

One letter of objection.:

Cannot understand Southern Waters response to the question of why this cannot be connected to Barnham Road. It is being ignored. Barnham Road is closed East of Upton Brooks to fix a collapsed sewer so this could have been done at the same time! The developer are being allowed to avoid their responsibilities agreed at the time, no doubt to free up additional land to build on. This Council needs to mandate the original conditions are met and not bend the rules when it suits some ones pocket.

Recommendation:

The recommendation remains unchanged from the previous Committee agenda with report update.

REPORT UPDATE

Application No: BN/18/20/PL

Reason for the Update / Changes

Reason for Update/Changes:

The Council has received additional objections raise the following points:

- This letter from Southern Water (09/04/20) is not applicable to the current situation. No network reinforcement or remedial work has been carried out to the sewer in Barnham Road. Southern Water agrees with what the residents have been saying, the sewer in Barnham Road is not fit for purpose and no further connections should be made until the issues have been dealt with as is the contents of the recommendations of this letter from Southern Water.
- The website entry from the EA on 11/06/2020 says that they think that the sewer should be discharged into the main sewer in Barnham Road. This is clearly an objection to the proposal.
- SW letter dated 16/06/20 refers to section 106 - need to be able to view the proposed improvements that they say will be carried out to the system.

Officers Comment:

- Southern Water in their letter of 16/06/20 clarify the matter regarding their letter of 09/04/20 admitting that the application was mistakenly processed as if this was a planned development not a completed one. It is clear from the application that this development has already been completed.
- The Environment Agency has no objection to the proposal as submitted as confirmed by their letter of 10/06/20 they state: 'The proposal to replace the current sewage treatment system with a pumping station to connect to Southern Waters main sewer is seen as an improvement to the current arrangement and the EA would have no objections.'
- The reference to s106 in the Southern Water letter is a reference to s106 of Water Industry Act 1991 not s106 of the Town and Country Planning Act 1990 (as amended).

There are changes to conditions.

Condition 1 on the agenda will be deleted.

Condition 2 on the agenda will become condition 1 and read as follows

"Condition 15 is amended to read

The pumping station hereby approved shall be implemented within 12 months of the date of this permission and shall be carried out in accordance with the following approved plans:

Drg.No. P706/101, Location Plan

Drg.No. 4482:600, Rising Main, Planning Layout

Drg.No. 4482:502 Rev E, Section 104 Layout Phase 1

Drg.No. 4482:506 Rev D, Section 104 Layout Phase 2

Drg.No. 4482:510 Rev F, Foul Outfall Rising, Main Details

Elevation of Kiosk on email from Gary Webster dated 22nd June and elevations "Proposed steel kiosk"

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and QE SP1 of the Arun Local Plan."

Condition 3 on the agenda will become condition 2.

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: BN/18/20/PL

LOCATION: Former Brooks Nursery
Eastergate

PROPOSAL: Variation of condition 15 imposed under EG/29/13/ relating to condition 15 - to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This proposal seeks to vary Condition 15 of EG/29/13/PL, relevant to drainage.

Condition 15 states:

The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management/maintenance).

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details.

The application seeks approval so the sewage treatment plant can be replaced by a pumping station with associated drainage works. The alteration is sought upon the acceptance of Southern Water.

RELEVANT SITE HISTORY

EG/29/13/	Residential development for 40 dwellings, including 30% affordable, with associated access, landscaping and ancillary works. Re-Submission following EG/73/12. Departure from the Development Plan.	App Cond with S106 26-09-13
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EG/73/12/	Residential development for 56 dwellings including 30% affordable housing, with associated access, landscaping and ancillary works. This application is a Departure from the Development Plan.	Refused 07-03-13
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Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

OBJECT:

- Object on the grounds that it is not in an accordance with policy ES1 (Flooding, Drainage and new development) of the Barnham and Eastergate Neighbourhood Plan.
- Preference would be for connection to the main sewer on Barnham Road via existing development not Elm Grove South.

37 letters of objection:

- A collapsed sewer pipe at the junction of Dovers Way and the B2233 has not been repaired by Southern Water since it was discovered in May 2019 with a sewage surcharge as a consequence;
- Raw sewerage running down the road at the junction of Elm Grove South and the B2233.
- Sewage treatment plant has never been completed and Conditions 15 and 16 of EG/29/13 have not been discharged for over 6 years.
- No independent report has been carried out to know why.
- Proposal is flawed and applicant failed to comply with conditions.
- Supporting statement from Southern Water dated Feb 2020 not included.
- Flow tests carried out over a few months at a time of low usage not over a 12 month period.
- The sewer in Elm Grove south is a 6" clay sewer pipe serving 30 flats at Elm Dale, 74 homes, 1085 students and 80 members of staff at St Philip Howard School was not designed for this capacity.
- Developer was refused permission to connect into Barnham road sewer by the Environment Agency.
- Regular sewage issues at the end of Elm Grove South Junction with Barnham Road.
- Builder should be made to pay to put new system in that works rather than the cheaper way out and cause problems in another road.
- It was recognised in EG/29/13 that the sewer under Barnham Road could not cope with the additional load and an on-site treatment plant was to be built.
- Application omits in section 5 any explanation for requesting the original conditions to be lifted.
- Difference in pipe sizes means sewage could spill out on footpaths, gardens and of course the smell and sewage backup.
- The proposal is not adequate or safe for the residents of Elm Grove South and others in Barnham who experience flooding from problematic sewage system.
- Sewage would still go into the sewer under Barnham Road. This in turn would result in flooding.
- No technical information from Southern Water included in this application.
- Elm Grove South is a cul-de-sac, if this application goes ahead, floods will occur.

COMMENTS ON REPRESENTATIONS RECEIVED:

Many of the concerns above relate to issues with existing infrastructure. The views of Southern Water have been sought and are reported below. The system installed by the developer does not work effectively requiring waste to be tankered away.

CONSULTATIONS

Environment Agency
Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water: Should approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Engineers: No objection - satisfied with proposals in terms of the impacts on the SUDS and land drainage.

Environmental Agency: No objection to the proposal as submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Southern Water, who are responsible for foul water disposal have not objected to the application and they were involved in discussion prior to the submission of the application.

POLICY CONTEXT

Designation applicable to site:

Within built up area
Lidsey Treatment Catchment

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
WDM1	W DM1 Water supply and quality
WSP1	W SP1 Water

[Barnham & Eastergate Neighbourhood Plan 2014](#)
[POLICY ES1](#)

Applications for new development must meet the local drainage requirements

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

The relevant policies of the Barnham and Eastergate Neighbourhood Development Plan are considered in the 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 the change of method of sewage disposal to a pumping station with connection to the existing network in the neighbouring street would not cause harm to residential amenity or the environment.

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

Amenity:

Replacement works involve abandoning the existing treatment plant on completion and commissioning of renewed pumping station, filling all redundant pipework with foam and re-landscaping out-fall swale. The existing kiosk would be removed and replaced with a new kiosk plinth and all equipment related to the treatment plant would be removed. Additional grasscrete, south-west of the pumping station would be added to allow for tanker tracking. The only structure above the ground level would be a kiosk (1.75m x 2m x 0.75m), approximately half of the size of the existing , and remaining existing 1.8m high palisade fence surrounding the pumping station.

The physical works related are minor and, due to their appearance, would not have demonstrable harm to the visual amenities of the surrounding area. The pipe would be below ground. The proposal complies with policy D DM1 of the Arun Local Plan.

Environmental issues:

The proposal seeks to replace the treatment required by condition 15 of the original permission with a pumping station. Since its installation the treatment plan has not operated effectively and waste is tankered away which is not a sustainable solution involving additional vehicle journeys.

There are concerns from residents that the impact of connecting the pipe from the pumping station to the infrastructure Elm Grove South will cause additional problems to the network. Southern Water are responsible for the provision of foul water discharge and they have not objected. They were involved in negotiations with the Local Planning Authority and the applicant prior to the submission of the application.

At the time of the original application there were restrictions on the disposal of foul water to the network which necessitated the installation of the sewage treatment plant. The November 2017 Code for Adoption Agreements has been implemented using powers conferred by the Water Act 2014 and this allows developers to connect to the public sewer and this proposal allows them to do this.

Policy W SP1 of the Arun Local Plan in section 18.2.4 emphasises that public wastewater networks and treatment facilities are the responsibility of Southern Water. Southern Water have indicated that there is little spare capacity in the foul water network and pumping mains to the Waste Water Treatment Works (WWTW) serving the District at Ford, Lidsey and Pagham. Upgrading will therefore be required by developers, through existing arrangements under the Water Industry Act, in line with network modelling of site specific requirements. Local improvements are considered likely and new pumping mains to the appropriate WWTW may also be required to ensure that the sewage network can cope with increased use.

Barnham & Eastergate has a 'made' Neighbourhood Plan with policy ES1 of relevant to the application. Policy ES1 states that new development should aim to reduce the overall level of flood risk in the area.

Comments of Environmental Agency: The proposal to replace the current sewage treatment system with a pumping station to connect to Southern Waters main sewer is seen as an improvement to the current arrangement and the EA would have no objections. Due to the sewage treatment plant not treating the effluent to the required standard the operators are currently removing the effluent until a long term solution can be found. A connection to mains sewer would be the preferable option in this case.

No objection has been received from the Council's Engineers, Environmental Agency or Southern Water.

Conclusion:

The change in method of discharge has no adverse impact on the character or amenity of the area and would result in the reduction of vehicle movements as the tankering away of waste would no longer need to take place. The application complies with relevant development plan policies and is therefore recommended for approval subject to 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Condition 15 is amended to read

The pumping station hereby approved shall be implemented within 12 months of the date of this permission and shall be carried out in accordance with the following approved plans:

Drg.No. P706/101, Location Plan

Drg.No. 4482:600, Rising Main, Planning Layout

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Elevation of Kiosk on email from Gary Webster dated 22nd June and elevations "Proposed steel kiosk"

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and QE SP1 of the Arun Local Plan

- 2 The pumping station, as approved, shall be retained on site in perpetuity in working order unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 of the Arun Local Plan

- 3 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.

- 4 Condition 1 varies condition 15 imposed on EG/29/13. All other conditions on EG/29/13 remain unless otherwise deleted/varied by a permission.