

Recommendation Report for Planning Permission

REF NO: EG/21/17/PL

LOCATION: Eastergate Water Treatment Works
Fontwell Avenue
Eastergate

PROPOSAL: Application for Variation of condition No.2 following the grant of planning permission EG/22/15/PL relating to colours of building, road layout, landscaping & drainage details. Resubmission of EG/3/16/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks to amend the previously approved plans in respect of:

(a) the colour of the proposed UV Treatment building from Olive Green (Walls & Roller Shutters), Goose Grey (Roof) & Dark Blue (Personnel Doors) to Khaki Green (Walls & Roller Shutters), Leaf Green (Personnel Doors) & Willow Green (Roof); and

(b) some very minor changes to the on-site road layout.

The application also seeks approval of a landscaping scheme.

SITE AREA

0.98 hectares.

TOPOGRAPHY

Predominantly flat but there is a grassed earth bund to the rear (west) of the existing building.

TREES

There is a cluster of 4 pine trees to the immediate south of the existing building, two deciduous trees in the north eastern corner and 1 large deciduous tree in the south western corner. However, none are affected by the works. 6 new deciduous trees of various species are proposed along the northern boundary to screen the building

BOUNDARY TREATMENT

Mix of wire mesh fencing, post & rail fencing, 1 metre high timber close-boarded fence to Fontwell Avenue and hedging.

SITE CHARACTERISTICS

Existing Water Treatment Works Site comprising of a single storey pitched roof pumping station building, the UV Treatment

Building as approved by EG/22/15/PL and various other under and above ground infrastructure. 2.4m high screen fence to the east of the modular housing containing the well head chamber. The site is otherwise grassed with a driveway and other hard surfaced areas.

CHARACTER OF LOCALITY

Semi rural. There are residential properties on the eastern side of Fontwell Avenue opposite the site and also to the south of part of the site, the racecourse to the west & north and a small solar farm to the immediate south.

RELEVANT SITE HISTORY

EG/22/15/PL	UV Treatment Building & associated upgrade facilities.	ApproveConditionally 05-06-2015
EG/3/16/PL	Variation of condition 2 imposed under EG/22/15/PL related to amended colour of building.	Withdrawn 15-04-2016

This application seeks to amend part of the details approved by EG/22/15/PL.

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

N/A.

CONSULTATIONS

Parks and Landscapes
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

ADC DRAINAGE ENGINEERS - "No comments"

ADC LANDSCAPE OFFICERS: Originally objected due to the landscape plan failing to show the Latin names of trees, quantities and the size of the trees at the time of planting. Following the submission of an amended plan, commented that: "I can confirm that I would now recommend to planning no objection to the proposals submitted and that the drawing now includes the previously lacking information."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built up Area Boundary;
Class A Road;
Flood Zone 2; and
Lidsey Drainage Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
	<u>GEN26</u>	Water Quality
	<u>GEN28</u>	Trees and Woodlands
	<u>GEN29</u>	Nature and Conservation Across the District
	<u>GEN32</u>	Noise Pollution
		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
Publication Version of the Local Plan (October 2014):		ECC SP2 Energy and Climate Change Mitigation
		ENV DM5 Development and Biodiversity
		QE DM1 Noise Pollution
		QE SP1 Quality of the Environment
		T SP1 Transport and Development
		W DM1 Water Supply and Quality
		W DM3 Sustainable Urban Drainage Systems
		W SP1 Water
		Applications for new development must meet the local drainage requirements
		Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1		
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5		
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6		Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8		Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10		Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4		Parking and new development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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 is 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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 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).

Barnham and Eastergate NDP policies will be considered in this application.

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

PROPOSAL & PRINCIPLE:

The applications seeks to change the approved colour scheme of the building from a combination of green, grey & dark blue to a mix of green colours. Also proposed is a landscaping scheme and some very minor alterations to the hard surfacing on the site.

The site lies within a countryside location outside the built-up area boundary where the principle of development is generally considered to be inappropriate. However, the site benefits from an extant planning permission for the new buildings/infrastructure and that permission was granted on the basis of development plan support for the upgrading of water supplies and with regard to the National Planning Practice Guidance (NPPG).

This variation application will be assessed having regard to design/visual amenity and drainage matters.

DESIGN/VISUAL IMPACT

The building (including the former colour scheme) was previously considered to be coloured appropriately and generally acceptable in the context of the existing site and its water treatment function. It is not considered that the proposed colour change alters the previous determination.

It should also be noted that the building has been erected (and is coloured in accordance with this application) and that there have been no local resident objections.

The addition of the proposed tree planting along the northern boundary is a welcome addition to the site.

DRAINAGE:

Council Engineers do not raise any objections to the scheme in respect of the additional hardstanding proposed.

SUMMARY:

It is considered that this proposal complies with all development plan policies including the Barnham & Eastergate Neighbourhood Plan. It is not considered that any significant harm arises from this variation to the previous scheme and it is therefore recommended that this application be approved subject to the following condition 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

report

approved plans:

"Location Plan" Ref 27-5132699-035 Rev A;
"Location and Site Plan" Ref 27-5132699-030 Rev A1;
"Proposed Landscaping Details" Ref 27/307 Rev A
"UV Reactor Building External Views" Ref 27-655-M-3030 Rev A
"New Flow Meter Chamber" Ref 27-5132699-011 Rev A;
"New Turbidity Monitoring Chamber" Ref 27-5132699-010 Rev A;
"New Chlorine Monitoring Chamber" Ref 27-5132699-009 Rev A;
"New Pressure Sustaining Valve Chamber" Ref 27-5132699-008 Rev A;
"Proposed Sampling & RTW Diversion Chamber" Ref 27-5132699-005 Rev A;
"New Turbidity and Chlorine Monitoring Chamber" Ref 27-5132699-012 Rev A;
"UV building arrangement sheet 1 of 3" Ref 27-5132699-002 Rev A;
"UV building arrangement sheet 2 of 3" Ref 27-5132699-003 Rev A; and
"UV building arrangement sheet 3 of 3" Ref 27-5132699-004 Rev A.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 3 INFORMATIVE: All of the conditions imposed on EG/22/15/PL shall remain in force except for condition 02 which is replaced by this permission as set out in condition 01 above and condition 05 (landscaping) which is considered to have been discharged by this planning permission.