Recommendation Report for Planning Permission

REF NO: **FP/10/14/**

LOCATION: Pumping Station
Aldingbourne Rife
Felpham

PROPOSAL: Photovoltaic panel array to be installed into pumping station roof to provide electrical power to pumping station and associated equipment.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The panels will be visible atop of the existing parapet wall (approx. 0.5m higher than the top of the wall)
SITE AREA	0.16 hectares.
TOPOGRAPHY	The site itself is predominantly flat but is capable of being viewed from a higher level (higher than the site not the building) care of the sea wall footpath to the south.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mix of the sea wall (along southern boundary) and 2.1m high palisade fencing.
SITE CHARACTERISTICS	This is an existing Environment Agency owned pumping station which is directly north of the sea wall and spans the width of the Aldingbourne Rife. The site is part grassed, part hardstanding and part buildings/plant equipment. The new photovoltaic panels will be installed on the existing 1.5 storey brick built flat/parapet roofed pumping station.
CHARACTER OF LOCALITY	The site is located at the end of the rife on relatively open land between residential properties to the east, the sea wall to the south and a park to the west.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site: No Public Sewer.

The site history sheet also indicates that the site is within a SSSI but this has been checked and the site lies outside of that designation.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality ECC DM1 Renewable Energy	

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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

Emerging Local Plan Policy ECC DM1 states that the Council will support renewable energy development subject to certain criteria. The proposal has been assessed against these criteria and is not considered to be in conflict with this Policy. The panels are sited on an existing building and whilst they will be visible at the top of this building, they are considered to be appropriate in visual terms in the context of this pumping station site. Furthermore, the panels are far enough away from nearby residential properties to have no adverse impact. The site is not within a designated area but even it were, the proposals are considered to be small scale and of limited visual impact. It is also noted that the panels are required to power the on-site pumping station & electrical equipment. The proposal is therefore considered to be environmentally friendly and highly sustainable. It is recommended that permission be granted.

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 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:

100B Site Location Plan & Block Plan;
200D Existing Site Plan;
201D Proposed Site Plan;
300A Existing Elevation A;
301D Proposed Elevation A; and
400B Enlarged Site Plan & Section.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.