Recommendation Report for Planning Permission

REF NO: **P/37/15/PL**

LOCATION: Land between Rose Green Road
& Pagham Road
Aldwick

PROPOSAL: Laying of an underground cable run linking a solar park to the National grid connection point at Rose Green Road, Bognor Regis. This application is a departure from the development plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above Most of the cable would be located either under farm or land to the side of the road but some will be under the highway itself and run roughly south on Pagham Road and east along Sefter Road to the substation. There is a concurrent application (P/43/15/PL) running for a similar cable run but with a different route. This is by the same applicant and will form another option for them.
SITE AREA	The cable would span about half of the Pagham Parish.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Varying from low in farmland to medium to south part of the proposed cable trail near Hook Lane Close.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Varies from farmland to grass verge and highway in rural and built up area.
CHARACTER OF LOCALITY	Rural and suburban.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Pagham Parish Council

No objection.

Comments on Representations received:
Noted

CONSULTATIONS

Highways England
WSCC Strategic Planning
Chichester District Council

Consultations responses received:

WSCC Highways - No objection but please include informative:-

Consent will be required for works to be undertaken on the highway and for apparatus to be located under the highway. The Applicant is advised to contact the WSCC Streetworks Team on 01243642105 or highways@westsussex.gov.uk in order to obtain the necessary consents. Roadspace access and suitable traffic management will need to be agreed through these processes.

Highways England- No objection.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan
Class C Road
Special Control Adverts
Outside Built up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN8	Development and the Provision of Infrastructure
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		SD SP1 Sustainable Development
		SD SP2 Built-Up Area Boundary

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Pagham Parish does not yet have a neighbourhood development plan but it does have a design statement which will be taken into account in the processing of 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

The proposed development once completed would not be visible from the street as it is to be laid entirely under ground. There would be no building up of the land or creation of ditches so once the excavated land (where the cable will not be laid under the highway) has settled there will be almost no visual impact. Where hedgerows may be affected a directional drilling method will be used as opposed to trench digging to limit the impact on the hedgerow. Work near to trees and hedgerows will be at least 3m away again to limit the impact on their health.

Therefore, the will also be a very limited impact on neighbour amenity.

The proposal will involve the excavation and re-laying of some highways. Following consultation with WSCC highways an informative will be added to make the applicant aware that a separate application to the WSCC will be needed for permission to excavate the road. However, the highways authority have no objection to the works in principle following the submission of a Method Statement.

Therefore the application is recommended for conditional approval.

HUMAN RIGHTS ACT

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 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 (negative, Neutral or positive) 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 is considered to have a neutral impact.

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 GRID CONNECTION SITE LOCATION PLAN (2)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

3 Once cables have been laid the land excavated shall be returned to it's condition prior to the commencement of development.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 and GEN 3 of the Arun District Local Plan.

4 INFORMATIVE: Consent will be required for works to be undertaken on the highway and for apparatus to be located under the highway. The Applicant is advised to contact the WSCC Streetworks Team on 01243642105 or highways@westsussex.gov.uk in order to obtain the necessary consents. Road space access and suitable traffic management will need to be agreed through these processes.

5 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.