

REPORT UPDATE

Application No: Y/48/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Yapton Parish Council provided a further response on the 3rd of December to say that - as long as the capacity of the unit is only for 1 toilet and not for 5 or more then the Parish would be happy to remove their objection.

Officers Comment:

The applicant has confirmed that the proposed model of the treatment plant is the smallest of the Kingspan range.

There are no changes to the report or the recommendation.

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: Y/48/18/PL

LOCATION: Maggie's Meadow
Hoe Lane
Bognor Regis
PO22 8NS

PROPOSAL: Installation of water treatment plant. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The applicant has provided a copy of a brochure for the Kingspan BioDisc Klargest range of sewage treatment plants. The applicant has indicated that the smallest size unit will be installed. This has an overall diameter/width of 1995mm and an empty weight of 325kg. The sewage treatment plant will be installed to facilitate a toilet in the agricultural barn (the subject of Y/86/10/ & Y/73/18/CLP). The only part of the plant visible above ground will be the green coloured, roughly oval shaped 'lid'.

SITE AREA

1.9 hectares.

TOPOGRAPHY

Rising to the west and the land is higher than the road.

BOUNDARY TREATMENT

Hedging along the front boundary, punctuated by a 5 bar gate

	to the main entrance to the land holding. Post and rail fencing to the northern boundary.
SITE CHARACTERISTICS	A former horse paddock comprising a grassed field. Currently a building site concerning the implementation of Y/86/10. A hole has already been dug ready for the treatment plant. There is an earth bund to the western/south western boundary.
CHARACTER OF LOCALITY	Rural farmland and paddocks with some linear and sporadic housing on either side of Hoe Lane to the east and west.

RELEVANT SITE HISTORY

Y/73/18/CLP	Lawful development certificate a proposed timber barn (approved under Y/86/10/).	
Y/11/11/	Pervious concrete hard standing.	Approve 01-06-11
Y/86/10/	Timber barn for secure storage of light goods vehicle, farm machinery & feed (re-submission following Y/43/09/)	ApproveConditionally 09-02-11

Planning Application Y/86/10 gave permission for a new timber agricultural barn. The applicant undertook the digging of the footings and the laying of concrete strip foundations in December 2011. In March/April of 2018, works to build the barn recommenced and the hole was dug for the treatment plant. Following an enforcement investigation, the applicant was advised to submit an application to confirm that the permission was indeed legally implemented in 2011 and as such, the barn permission is still live. This is being considered separately under Y/73/18/CLP.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council

"Objection. Insufficient detailed information provided within the application to determine the size of plant and volume of waste that the proposal will have capacity for. YPC also have grave concerns that there is not currently a dwelling and/or building at the proposed location for this plant so question its need."

COMMENTS ON REPRESENTATIONS RECEIVED:

The following advice from the applicant was put to the Parish Council in response:

"We submitted the information attached with the planning application. I can confirm the smallest unit size. Overall diameter width = 1995mm. Empty Weight 325kg. See page 6 of the attached document. Please

note the sewage treatment plant will be installed to facilitate the WC in the proposed agricultural barn. This was discussed with the case officer dealing with the project prior to this submission."

The Parish Council were asked to reconsider their objection to the application but have not responded.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Environment Agency

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - We will not be providing a response to this application as we consider that it falls outside of our checklist.

ADC DRAINAGE ENGINEER - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Area of Advert Special Control; and
Agricultural Land Grade 1.

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
QEDM3	QE DM3 Air Pollution
WDM1	W DM1 Water supply and quality
WSP1	W SP1 Water
SODM1	SO DM1 Soils

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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.

The relevant policies of the Yapton Neighbourhood Development 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 conflict with the Development Plan policies in that it represents inappropriate development within the countryside and results in a small loss of grade 1 agricultural land. However, it would have no harmful impact on the appearance of the countryside or on the biodiversity of the site.

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

PRINCIPLE:

The application concerns a new foul treatment plant which will provide sewage for a proposed toilet within the new timber storage barn. The proposal therefore represents operational development.

The site is located outside of the built-up area boundary as set out within both the Yapton Neighbourhood Development Plan (YNDP) and the Arun Local Plan (ALP). The proposal does not fall into any of the categories of permitted development within the countryside as set out in either policy C SP1 of the ALP or policy BB1 of the YNDP. The proposal is therefore 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/lid visible above ground. As such, it is not considered that its siting in this location will be harmful to the character and appearance of the countryside.

AGRICULTURAL LAND:

As per the plan at Figure 2 of the YNDP, the site is classified as Grade 1 agricultural land. Policy E1 of the YNDP states that:

"Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area."

Furthermore, Arun Local Plan policy SO DM1 states that: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

The proposal would result in only a very small area of agricultural land and the treatment plant is associated with an existing permission for a storage barn. Therefore although technically there is conflict with these policies, it is not considered that the proposal is so harmful as to warrant a refusal on the grounds of loss of agricultural land.

CHARACTER OF THE COUNTRYSIDE:

ALP policy D DM1 states that development should "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features." Also that it should "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area."

The proposed treatment plant would be located underground with only its green coloured maintenance lid visible - and this will be set flush with the ground level. It is considered that this will ensure that it will only be visible to persons standing close to it and therefore will have no impact on the character of the countryside, therefore being in accordance with ALP policy D DM1.

BIODIVERSITY:

Policy ENV DM5 states that: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)." YNDP policy E3 also seeks to prevent the loss of natural habitat.

The treatment plant is a self contained unit. It works in two ways, (a) by retaining solids in the bottom chamber so that these can be manually removed (approximately once every 12 months); and (b) by cleaning liquids through a two stage biological treatment process before discharging the clean water to the ground. As such, it is not considered that there is any risk of pollution to the local ecosystem and hence no harm to biodiversity. The proposal is therefore in accordance with these policies.

SUMMARY:

Although this proposal is in conflict with ALP policies C SP1 & SO DM1 and with YNDP policies BB1 & E1, it is not considered that there is any harm associated with this conflict and as such no reason to withhold planning permission. It is therefore 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 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:

"Location Plan" Dwg 100 Rev A; and
"Proposed Site Plan" Dwg. 102.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1 and D 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.