

Case Officer's Report (Delegated Decision)

Waste Planning Application

Description of the Proposal: Proposed Installation of a Motor Control Centre (MCC) Kiosk.

Site Address: Blackstone Waste Water Treatment Works, Blackstone Lane,
Blackstone, BN5 9SZ

Application No: WSCC/012/24

Local Member: Paul Linehan, Bramber Castle

Local Council: Horsham District Council

Site Location and Description

The application site comprises the operational wastewater treatment works located on the western side of Blackstone Lane, approximately 500m to the north of the hamlet of Blackstone and outside of the built-up area boundary (as defined by the Horsham Planning Framework, 2015). The site occupies a plot of approximately 1650m², which remains largely undeveloped except for the treatment infrastructure and access track within the southern half of the site.

The application site is surrounded by open fields with boundary hedgerows, shrubland and mature vegetation around. A watercourse (the Chess Stream) runs 40m to the north beyond the northern site boundary, into which the treated effluent from the site is discharged. The closest residential receptors are those located on the northern side of Blackstone, with Wick Farm located 230m to the south of the application site.

A Public Right of Way, running east to west, is located 220m to the south of the site (route code WOM/2541/1). The land to the north of the site, including the northern site boundary, is designated as an area at increased risk of flooding (identified as Flood Zones 2 and 3 on the Environmental Agency's Flood Map for Planning). The site is not located within an area of significant historical interest and the closest listed building (Ham Barn) is located approximately 500m to the southeast of the application site.

Relevant Planning History

DC/05/2412 - Prior Notification to erect 15-metre-high telecommunications "Cypress tree" style mast with antennae, microwave dish, cabinets and fencing (application permitted 18/11/2005).

Proposed Development

Planning permission is sought for the installation of a Motor Centre Control (MCC) kiosk within the central eastern area of the existing site. The building would be 7.75m long, 3.3m wide and 2.8m high. It would be constructed from Glass Reinforced Plastic (GRP) and finished in a Holly Bush Green colour. The proposed kiosk would house electrical and control equipment to operate new plant and equipment at the site, in conjunction with a wider site upgrade which would be constructed under permitted development rights.

The upgrades to the WTW would necessitate the installation of 425m² of additional impermeable hardstanding, 65m² of which would be required to enable the installation of the MCC Kiosk.

Environmental Impact Assessment/Habitats Regulation Assessment

Schedule 2 of the EIA Regulations 2017, namely Part 11(c) as it relates to 'Waste-water treatment plants not included within Schedule 1'. For such developments, the 'indicative screening threshold' set out in the Annex to the Planning Practice Guidance (PPG): Environmental Impact Assessment is a development area exceeding 1,000m². The area of to be developed as per this application would extend to approximately 95m², and so the proposal would not meet the screening threshold and, on this basis, it is not considered that the development is likely to result in significant effects on the environment. Therefore, the proposal is not considered 'EIA development'.

Habitats Regulation Assessment: Under 'The Conservation of Habitats and Species Regulations 2017 (as amended)', all planning applications that potentially affect the protected features of a European Habitat Site require consideration of whether the plan or project is likely to have significant effects on that site.

The application site falls within the Sussex North Water Supply Zone, which draws its water supply from groundwater abstraction in the Arun Valley. Natural England has issued a Position Statement which states that it cannot be concluded with the required degree of certainty that any new development that would increase the use of the public water supply in this zone, would not contribute to an adverse effect on the integrity of the Arun Valley, a Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.

HRA screening has been undertaken, which concludes that, without mitigation in place, the proposal will not have a 'likely significant effect' on the designated features of the Arun Valley site, either alone or in combination with other plans and projects. Therefore, an Appropriate Assessment under the Regulations is not required.

Relevant Planning and Other Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the statutory development plan unless material considerations indicate otherwise (as confirmed in paragraph 2 of the National Planning Policy Framework ('the NPPF')).

The key policies in the development plan that are material to the determination of the application, are summarised below. In addition, reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

West Sussex Waste Local Plan (2014)

- Policy W6: Management of Wastewater and Sewage Sludge;
- Policy W11: Character;
- Policy W12: High Quality Developments;
- Policy W15: Historic Environment;
- Policy W16: Air, Soil and Water;
- Policy W17: Flooding;
- Policy W18: Transport;
- Policy W19: Public Health and Amenity; and,
- Policy W21: Supports development which would not result in unacceptable cumulative impacts.

Horsham District Planning Framework (2015)

- Strategic Policy 1: Sustainable Development;
- Strategic Policy 2: Strategic Development;
- Strategic Policy 24: Environmental Protection;
- Strategic Policy 25: The Natural Environment and Landscape;
- Strategic Policy 26: Countryside Protection;
- Policy 31: Green Infrastructure and Biodiversity;
- Policy 33: Development Principles;
- Strategic Policy 38: Flooding; and
- Policy 40: Sustainable Transport.

National Planning Policy Framework (NPPF December 2023)

- Paragraph 8: Objectives of the planning system;
- Paragraph 11: Presumption in favour of sustainable development;
- Paragraph 38: LPAs should approach decisions on proposed development in a positive and creative way, seeing to approve sustainable development where possible;
- Paragraph 47 – 50: Applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise;
- Paragraph 104: Protecting and enhancing public rights of way and access;
- Paragraph 123: Making effective use of land;
- Paragraph 165 – 175: Planning and flood risk;
- Paragraph 180: Conserving and enhancing the natural environment; and,
- Paragraph 189: Ground conditions and pollution.

Woodmancote Parish Neighbourhood Plan (2016 - 2031)

- Policy 1: A Spatial Plan for the Parish;
- Policy 3: Design; and,
- Policy 5: Local Employment

Consultations

County Councillor (Paul Linehan): No comments received.

Horsham District Council: No comments received.

Woodmancote Parish Council: No comments received.

Natural England: No objection.

Naturespace (District Licensing Scheme): No objection.

WSSC Archaeology: No comment.

WSSC Drainage: No objection following submission of additional information.

WSSC Ecology: No comment received.

WSSC Highways: No objection following submission of additional information.

Representations

One comment from a third-party has been received, which offers comment on the application. The comment relates to highway capacity and raises concerns with regard to increased traffic at the site, as well as the impact of heavy goods vehicles on the local highway network. The comment requests that a condition is included in the grant of planning permission to ensure that there is no parking on Blackstone Lane and that all parking is accommodated on-site.

Consideration of Key Issues

The main material considerations in relation to this application are:

- need for the development; and,
- Impact on the environment and residential amenity.

Need for the Development

The development is required as part as an effort to upgrade the site to meet the enhanced discharge permit for phosphorus and iron, as required by the Environment Agency (as part of the Water Industry National Environment Programme WINEP3). It will also ensure that the site can continue to operate in compliance Southern Water's statutory duty under Part IV of the Water Industry Act 1991 (as amended by the Water Act 2014) to provide an efficient and economical system of water collection and treatment to customers. The upgrading of the systems would benefit the local environment within the surrounding area, as well as local residents within Horsham District who benefit from the treatment of wastewater.

Policy W6 of the West Sussex Waste Local Plan supports developments where proposals for the management of wastewater and sewage sludge can be accommodated within existing wastewater treatment sites. Given the proposed facility

will improve the ability of the facility to treat wastewater as part of its extant use and remain compliant with the Water Industry Act 1991, it can be considered that there is an identified need for the development. This is afforded substantial weight in the planning balance.

Impact on the environment and residential amenity

Policy 33 (Development Principles) of the Horsham District Planning Framework (HDPF) seeks to ensure that new development is designed to be of a suitable appearance, scale and appearance with regard to the context of its location whilst ensuring that it would not result in any acceptable impacts upon the amenity of occupiers or users of nearby land or property or the local environment. Further, development should make an efficient use of land. This is broadly reflected in Policy 3 of the Woodmancote Neighbourhood Plan.

The proposed kiosk would be located near the eastern boundary of the existing site and would be accessible via an existing the internal access road. The kiosk would be constructed on an additional area of hardstanding and would be 7.75m in length, 3,3m wide and 2.8m high. The kiosk would be finished in dark green and is considered to be of a similar scale and appearance to structures already located on-site. As a result, when viewed within the context of the wider site, it is not considered that the kiosk would appear to be of an overly dominant scale or mass.

The site benefits from mature trees and hedgerows along its northern, eastern and southern site boundaries, with interspersed natural boundary treatments along the western site boundary. These features provide screening of the WWTW from view from these directions, from which there are no residential properties or Public Rights of Way that would have views of the structure. While there may be views into the site through the eastern boundary from Blackstone Lane, the setting of the kiosk against the context of other structures located in the WWTW and the transient nature of these views by users of the highway would not result in significant off-site impacts to the wider rural landscape.

Therefore, it is considered that the impact of the development on the surrounding countryside would be minimal.

With regard to residential amenity, the closest residential dwellings are those located to the south of the site, within the northern side of Blackstone. Given the scale of the kiosk, its setting within the northern part of existing wastewater treatment works and the distance between these receptors and the screening afforded by boundary treatment around the site, the proposed structures would not be readily visible within the surrounding landscape when observed from these nearby receptors.

Further, at the time of determination, no comments have been received from any third parties that would suggest that the new kiosk would result in a loss of visual amenity to nearby receptors. Therefore, the cumulative impact of the application proposal along with that allowed under 'permitted development' rights is not considered to be significant, given the distance to any sensitive receptors and the containment of the development within the existing WWTW.

Therefore, the proposal is considered acceptable with regard to its impact upon the environment and the residential amenity of nearby land occupiers and users. As a result, the proposal is considered to comply with Policy 33 of the HDPPF and the Woodmancote Neighbourhood Plan and is afforded moderate weight in the planning balance accordingly.

Other Considerations

A third-party representation has raised concern with the potential impact of the development upon the local highway network, specifically with regard to parking. The applicant has submitted a Traffic Management Plan, as well as a Construction Environment Management Plan, which covers the parking arrangements associated with the construction of the Kiosk, and details that all parking provisions would be made within the existing site and no parking will be allowed on public roads. The plans are acceptable to WSSC Highways, who have raised no objection to them and can be secured by condition.

Following resolution between the applicant and the WSSC Drainage consultee, it is not considered that there are any other considerations material to the determination of this application.

Overall Conclusion

Overall, it is considered that the proposed development accords with the statutory development plan when read as a whole. Furthermore, there are no material considerations in this case that indicate a decision other than in line with the statutory development plan, that is, the granting of planning permission.

In favour of the proposal, the need for the development carries substantial weight and the impact upon the environment and residential amenity carries moderate weight. There are no planning considerations that weigh against the proposal in the planning balance. Therefore, it is considered that the benefits of the proposal outweigh any disbenefits and, as such, the proposed development constitutes sustainable development (as defined in paragraphs 7 and 8 of the NPPF).

Recommendation (Delegated Decision)

For the reasons given above, it is recommended that planning permission is granted under delegated powers subject to the conditions set out in Appendix 1.



Factors taken into account

Crime and Disorder Act 1998: No implications arise from this development.

Human Rights Act 1998: Article 8 of the European Convention safeguards the respect for family life and home whilst Article 1 of the first protocol concerns the non-interference with the peaceful enjoyment of private property. Both rights are subject to conditions and interference with these rights may be permitted if the need to do so is proportionate. In this particular matter, the interests of those affected by the

planned development have been fully considered as have the relevant considerations which may justify interference with particular rights. All of these are set out within the body of the report and are examined in the context of relevant planning considerations.

Equality Act 2010: The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act 2010. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Date of Report: 27/06/2024	Case Officer's Name: Edward Anderson
	Case Officer's Signature: 
Date of Review: 28/06/2024	Reviewer's Name: Andrew Sierakowski
	Reviewer's Signature: 

Appendix 1: Conditions and Informative

Conditions

Commencement

1. The development to which this permission relates shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development shall not take place other than in accordance with the approved plans:
 - Constriction Environmental Management Plan: (dated February 2024);
 - Drainage Strategy: (ref. UC18966, version V1, dated April 2024);
 - Elevations – MCC Kiosk: (ref. 752215-MWX-XX-XX-DR-T-00004, revision P01, dated 22/01/2024);
 - Proposed Site Layout: (ref. 752215-MWX-XX-XX-DR-T-00002, revision P02, dated 22/01/2024);
 - Site Location Plan: (ref. 752215-MWX-XX-XX-DR-T-00001, revision P02, dated 22/01/2024);
 - Traffic Management Plan: (Revision 1.0, dated 03/04/2024);
 - Water Neutrality Statement: (Revision 1.0, dated 05/02/2024); and,
 - Written Scheme of Investigation: (ref. 230561, dated February 2024);

along with information submitted with the application including the Planning Application Supporting Statement (dated February 05/02/2024) save as varied by the conditions hereafter.

Reason: to secure a satisfactory development.

Informative

- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.