

Recommendation Report for Planning Permission

REF NO: FP/64/19/PL

LOCATION: Mow Cottage
Worms Lane
Felpham

PROPOSAL: Replace burnt down cottage with a similar sized single storey property - This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to build a new 1 bedroom bungalow on the site to replace that which was partially destroyed by fire in 2006. Along with the bungalow, there will be off-street parking, gardens and a secure cycle store. There will be separate pedestrian and vehicle access from Worms Lane.
SITE AREA	0.0722 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of trees within the site including close to the derelict buildings but with the more mature and significant specimens to the site boundaries and thus away from the proposed dwelling.
BOUNDARY TREATMENT	The site is bordered to the south by a 3-4m high hedge which is lower and with more gaps towards the eastern end. The eastern boundary has a post and wire fence with further hedging and trees but is more open than the southern boundary. The site is also bordered by a drainage ditch which, at the time of a site visit (April 2018), was full of water.
SITE CHARACTERISTICS	The site comprises the derelict remains of the former Mow Cottage and its associated outbuildings set within open but overgrown grassland. The site is accessed from Worms Lane, an unmade single width track which has a road junction with the A259 to the north east but also has footpath links to the settlement of Felpham to the south and west.
CHARACTER OF LOCALITY	This is an edge of settlement location. There is a long established housing estate to the south but open land to the west, east and north. There is a small Council depot a short distance to the east and the adjoining land to the west is in use as a recreational activity centre (known as Rookery Fit Farm).

RELEVANT SITE HISTORY

FP/180/05/	Outline Application for residential development comprising 96 dwellings, including affordable housing, open space, structural landscaping and associated works (Departure from the Development Plan)	Refused 15-11-05 Appeal: Dismissed 03-05-06
FP/186/99/	Residential development comprising 90 no. 1, 2, 3 & 4 bedroom flats and houses together with access road, public open space and play areas and demolition of Mow Cottage (Departure from Development Plan).	Refused 18-08-00

This proposal was subject to pre-application advice given in October 2018 at which time it was concluded that were an application for planning permission to be submitted it would likely be considered to conflict with countryside policy in respect of new residential development and may also be in conflict with policy designed to safeguard agricultural land. However, it was not considered that the proposal would also result in any harm to the character of the area and therefore, subject to their being no Highways or Environment Agency objection, it was stated likely that the development could be supported.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

"No objection"

No letters from local residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environment Agency

Southern Water Planning

Environmental Health

Arboriculturist

Ecology Advisor

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - State that they would not support use of a septic tank in the presence of the foul sewerage network nearby. Require a formal application to connect to the sewer and advise imposition of

an informative.

WSCC HIGHWAYS - No objections and recommend conditions to secure car and cycle parking on the site. Comment that:

- Due to the road geometry and the narrow nature of the rural lane, vehicles are not anticipated to be travelling at the posted speed limit in this location;
- Vehicular visibility onto the publicly maintained highway therefore appears sufficient;
- No recorded injury accidents within the last 5 years and in the vicinity of the junction;
- The current proposed plans meet the WSCC Car and cycle parking standards; and
- No refuse collection arrangements are shown and the LPA should consider this from an amenity perspective.

ENVIRONMENT AGENCY - No objection. State that the proposed development will only meet the NPPF's requirements if a planning condition is included to ensure finished floor levels above 2.21 m and that flood resilience measures are implemented.

COUNCILS ECOLOGIST - Have assessed the submitted ecological appraisal as well as the more recent Great Crested Newt Survey and advise no objections. Recommend conditions to agree details of lighting (to protect bats), prevent trees from being felled/pruned (where they contain birds nest), protect hedgerows and ditches during constructions (in the interests of protecting water voles & dormice), manage the site to prevent reptile habitat developing, and enhance the site generally for wildlife.

ADC ENVIRONMENTAL HEALTH - Advise of the need for conditions to control construction working hours, the emission of dust/odours/vapours from the site and to control external lighting in the interest of general amenity.

ADC DRAINAGE ENGINEERS - State that the application is within the Lidsey catchment and near at risk from surface water flooding therefore surface water drainage design should be carefully considered and infiltration fully investigated. Also comment that there are several ordinary watercourses in close proximity to the site so any proposals to discharge into these will require consent. Recommend two standard drainage conditions.

ADC CLEANSING - Have informally agreed to refuse being collected from nearby Uppark Way within the existing residential area to the south of the site.

COMMENTS ON CONSULTATION RESPONSES:

In respect of foul drainage, the Environment Agency have not commented on this aspect of the scheme. However, the applicant would require land drainage consent to discharge to a watercourse and so this can be controlled post decision.

The condition requested by Environmental Health regarding control of dust and odour from the site is not considered to be reasonable given the end residential use of the site, that the construction process for one dwelling is likely to be relatively low key and that there are no adjoining residential occupiers.

The waste collection arrangements will be subject to separate agreement outside of the planning process but it is not considered that the collection of the bin from the nearby residential estate will result in any harm to the amenity of local residents.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 High Value Agricultural Land (potentially grades 1-2);
 Lidsey Treatment Catchment Area;
 Area of Special Control of Adverts;
 Flood Zone3 ; and
 Unclassified Road.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
LANDM1	LAN DM1 Protection of landscape character
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Felpham Neighbourhood Plan 2014 POLICY BT7 Communications infrastructure

Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD2	Development in flood sensitive areas
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8	Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY	Increasing the energy efficiency of our buildings

ESD11

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 Felpham 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 relevant Development Plan policies in that the proposed site lies in the countryside and the proposal does not meet any of the criteria in the policies of the development plan with respect to new development in the countryside. The proposal also results in the loss of high value (grades 1-2) agricultural land.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the conclusions section.

CONCLUSIONS**PRINCIPLE:**

The key policy considerations in the determination of the principle of this proposal would be C SP1 and SD SP1 of the Arun Local Plan (ALP). Policy C SP1 "Countryside" states that outside of the defined built up area boundaries (BUAB), land is defined as countryside and development will only be permitted here where it is:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or
- b. for quiet, informal recreation; or
- c. for green infrastructure; or
- d. for the diversification of the rural economy; or
- e. for road and/or cycle schemes; or
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.

The proposal doesn't fall into these categories and is therefore contrary to adopted countryside policy.

Policy SD SP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The Felpham Neighbourhood Development Plan (FNDP) was made (adopted) in July 2014 on the basis of the saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The FNDP does not set a built up area boundary (BUAB) and there are no policies within the Plan specifically regarding new housing development.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". This makes it clear therefore that the BUAB and countryside policies within the ALP must be considered despite the lack of corresponding policy with the FNDP.

The proposal is therefore considered to be in conflict with ALP policy C SP1 by virtue of the site being within the countryside. However, it is considered that there are material considerations which outweigh the policy conflict and these are considered below.

AGRICULTURAL LAND:

There are no policies within the FNDP regarding agricultural land or soils. However, ALP policy SO DM1 does consider soils and states: "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."

As according to Natural England's online mapping and specifically the "Provisional Agricultural Land Classification (ALC)" dataset, the site is potentially either Grade 1 or 2 agricultural land. However, this dataset is only visible at a scale of 1:348,114 and cannot therefore be considered exact. Furthermore, this classification is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground based chemicals and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food. It also doesn't consider the land's current use and intensity of use.

Notwithstanding the above, there is a likelihood that the site contains high grade soils and it must be considered that the scheme is in conflict with policy SO DM1. The applicant states in response that the new dwelling will be built on the site of the derelict cottage and therefore there will be no loss of agricultural land. This will be considered in the following section.

MATERIAL CONSIDERATIONS:

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."

It is considered that there are other material considerations which would allow in the case of this proposal for a decision to be made despite being in conflict with ALP policies C SP1 and SO DM1. These will now be discussed under the following headings.

(1) Housing Land Supply

Following the Authority Monitoring Report (AMR) considered at the Planning Policy Local Plan Sub-Committee on 18th June, the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is currently a 4.7 year supply - down from the 5.3 year supply on adoption of the Arun Local Plan in July 2018.

The reasons for the lower projected delivery include; recent planning refusals on some Strategic Allocations; poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer/market factors outside of local authority control. The consequence of not having a 5-year HLS means that paragraph 11.d of the NPPF (2019) and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

It is not considered that the site has any particular importance and it is not part of a wider area asset. The remainder of this report will also find that there are no adverse impacts associated with the planning proposal.

(2) Sustainability

Policy SD SP1 states the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that contributes to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The NPPF defines the achievement of sustainable development as meeting three interdependent objectives - economic, social and environmental. These need to be pursued in mutually supportive ways.

The site is considered to be environmentally sustainable as it lies just beyond the edge of built up Felpham and it will therefore be possible for future residents to use non-car means of transport to access local schools, shops and other services. Pedestrians would also have the benefit of street lit pavement if accessing such services through the adjacent residential areas. These areas also contain bus stops

allowing travel to nearby Bognor Regis.

The economic and social benefits of the scheme are small in scale but nonetheless must be considered as part of the sustainability assessment. They include:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation and short term maintenance of construction jobs;
- * New single storey housing suitable for the needs of the elderly and infirm/disabled; and
- * Additional spending by new residents on local goods & services.

(3) Site History

The site does not benefit from a Certificate of Lawfulness to confirm that the site has an established residential use and it is not appropriate to give an opinion through this report as to whether one would be granted. However, it is noted that there is evidence within both this application and the planning history of previous residential occupation of the site and this is as follows:

- Supporting letter from the applicants (who are relatives of the previous occupier) who state that there was previously a cottage on the land which was built around 1901-1903. The letter then states that it was empty and vandalised between 1999 & 2002 and was then subsequently set on fire in 2006;
- Officer report for ref FP/180/05/PL which stated that the site comprised the now derelict remains of Mow Cottage and its associated outbuildings;
- The fact that there were remains of buildings present on the site when the site visit was undertaken (05/04/18);
- That there are buildings shown on Council held aerial photography from years 1991, 2001, 2007 & 2010; and
- That Council held historical mapping from the period 1932-1943 has a building shown annotated as "Mow Cottage". The building outline is also shown on earlier and later maps including the current ordnance survey mapping.

It is also noted that there is no evidence of any alternative uses having taken place on the application site and that the site retains an access, boundaries, a secure gate and parts of the previous buildings.

Summary of Material Considerations

Although the principle of development on this site in the countryside and on potentially high grade agricultural land is considered to be contrary to the development plan, it is considered that the application of the NPPF presumption in favour of sustainable development outweighs this conflict. The site & proposal is considered to meet the definition of sustainable development and the remainder of this report will state that there are no adverse impacts associated with the planning proposal.

Furthermore, whilst not formally confirmed by a Certificate of Lawfulness, there is clear evidence that the site has been previously in residential occupation and this has to be considered when assessing the harm to the character of this countryside site. It is therefore considered that the proposal can be assessed as being acceptable in principle.

FLOOD RISK:

According to mapping on the Environment Agency's website, the site is in Flood Zone 3 which is designated as having a high risk of flooding.

Policy W DM2 of the Arun Local Plan states that:

"Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas."

The application is accompanied by a Flood Risk Assessment (FRA). This sets out the following in support of the application:

- As the proposal is for a replacement dwelling, there is no requirement for the Sequential Test;
- In order to afford a level of protection against flooding it is normally recommended that finished floor levels are set a nominal 300mm above the 1 in 200 year annual probability tidal flooding (0.5%AEP) in any year (including an allowance for climate change);
- The modelling output indicated that under the undefended condition the 0.5% AEP flood level at the site is 2.62m AOD and the future 0.5% AEP (2115) water level is 3.60m AOD;
- However, it is not possible to raise the finished floor level of the proposed building to this level of 3.60m AOD due to other constraints;
- Therefore, it is proposed that the finished floor level of the building will be set not lower than 2.21m AOD which is 300mm above the existing ground level of 1.91m AOD;
- Flood resilience measures will be included (as per paragraph 6.2 of the FRA);
- The occupiers will be required to sign up to Environment Agency's Flood Warning Service;
- Surface water runoff will be improved by implementing appropriate SuDS measures and utilising rainwater harvesting (via a water butt); and
- The proposal will be safe, in terms of flood risk, for its design life and will not increase the flood risk elsewhere.

The FRA does not clearly set out the wider sustainability benefits. However, the separate planning statement talks about economic benefits. The section above entitled "Material Considerations" accepts the sustainable nature of the proposal. The Environment Agency have been consulted and state that the proposed development will only meet the NPPF's requirements if a planning condition is included to ensure finished floor levels above 2.21 m and that flood resilience measures are implemented. This condition is included in the recommendation. The Council's own Drainage Engineers also raise no objections with surface water drainage to be agreed by planning conditions. It is therefore considered that the proposal complies with policy W DM2.

DESIGN CONSIDERATIONS:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council

to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

FNDP policy ESD1 states that "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location." Policy ESD8 requires that new buildings take account of current design principles but also relate to the historic character of an area and any nearby heritage assets. Policy ESD10 sets out requirement for detailed house plans.

This proposed bungalow is considered to be entirely appropriate in scale, height and form to this edge of settlement location. The dwelling that was previously on the site was a bungalow and there are predominantly bungalows in the established residential estate to the immediate south. The proposed choice of brick and slate is also appropriate as these are traditional materials and are found on dwellings in the nearby residential estate.

It is also not considered that the dwelling would result in any harm to this semi-rural landscape, particularly given the existing natural screening to the boundaries and noting that the character of the area is also somewhat defined by the previous dwelling that existed on the site.

The proposed dwelling includes a curtilage which extends into the wider field and provides both front and rear gardens. Whilst it is accepted that a dwelling previously existed on the site and that this would have had gardens, there is no formal evidence of the extent of land associated with the previous dwelling. However, the curtilage as proposed is not considered to be excessive and will allow the applicant to cultivate food crops for their own use as stated in the supporting planning statement.

The proposal is therefore considered acceptable and in accordance with policies D DM1, D SP1 and also policies ES1, ES5 & ES8 of the FNDP.

ACCESS AND PARKING:

Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities. There are no FNDP policies regarding highway safety or parking.

Paragraph 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The proposal utilises an existing access point and proposes no changes to the highway. The layout shows space for at least two cars to be parked within the site and there is also space to expand the parking area if required. However, as according to the West Sussex Parking Demand Calculator, the likely parking demand for the proposal would be only 2 spaces and therefore, there is no need to provide a larger area.

It is material that the site is in a sustainable location and residents will not need access to a private car to be able to access basic shops, services or bus routes. The layout also indicates space for cycle storage and this will be subject to a condition.

WSC Highways have assessed the application and raise no objections. They consider that there is sufficient vehicle visibility at the access from Worms Lane and that the parking arrangements are appropriate. The proposal is therefore in accordance with the relevant local plan policies and with the guidance in the NPPF.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. Furthermore, ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The proposed single storey dwelling will be 39m from the nearest existing dwelling (also single storey). As a distance of 20m is generally considered to be sufficient to protect privacy and ensure no light loss impacts, it is not considered that there would be any harm to existing residential properties. The proposal therefore complies with policies D DM1, D DM4 and QE SP1.

SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The requirement for a single storey, 1 bedroom, 2 person house is 50m² but the proposed dwelling has a floor area of at least 79m² and therefore is in compliance with the standards.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. The proposal includes front and rear gardens which afford a decent standard of amenity and this is considered to be acceptable.

The proposal therefore complies with policies D DM1 & D DM2 and with the guidance within the NPPF on amenity (para. 127).

SUMMARY:

The principle of development on this site is contrary to the development plan in respect of the site's location within defined countryside and on potentially high grade agricultural land. However, it is considered that the application of the NPPF presumption in favour of sustainable development outweighs these development plan conflicts. There is also clear evidence that the site has been previously in residential occupation and as such this proposal can be considered as a replacement dwelling.

It is considered that the proposal complies with all development control criteria concerning highway safety, character, residential amenity, parking, flood risk and internal space standards. It is therefore recommended that the application be approved subject to the following conditions.

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:

1:1250 Location Plan;

"Site Plan and Secure Cycle Store Details" Drawing 01 Rev B; and

"Proposed Replacement Dwelling" Drawing FH/WL/01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, T SP1 and QE SP1 of the Arun Local Plan.

- 3 The development shall be carried out in accordance with the submitted flood risk assessment (ref QFRA 896) by UK Flood Risk Consultants) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 2.21 m above Ordnance Datum (AOD); and
- Flood resilience measures set out in section 6.2 of the Flood Risk Assessment shall be implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe occupation of the dwellings and to reduce the risk of flooding to the proposed development and future occupants all in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within sections 7.0 and 9.0 of the submitted Phase 1 Ecological Appraisal (EcA) by FSL (ref EcA_Worms-Lane_G.Keen_December_2018) or as otherwise agreed in writing with the Local Planning Authority. The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose. There shall also be continued management of the site to prevent reptile habitat from developing on the site during the construction process.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 7 Prior to the commencement of development, the developer shall provide a 5m deep buffer zone to the ditches and hedgerows along the site boundaries and secure this with temporary security fencing (at least 5m back from the bank or hedgerow). The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the buffer zones left as a natural area for wildlife.

Reason: In order to protect water vole and dormice habitat and in the interests of general biodiversity in accordance with policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.

- 8 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, the and the character & appearance of this edge of settlement location in accordance with policy D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 9 Prior to occupation of the new dwelling, a strategy for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework

- 10 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new house will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved drawing ref "Site Plan and Secure Cycle Store Details" Drawing 01 Rev B. These spaces shall thereafter be retained at all times for their designated

purpose.

Reason: To provide car-parking space for the use in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved drawing ref "Site Plan and Secure Cycle Store Details" Drawing 01 Rev B. The approved cycle storage spaces shall thereafter be retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 13 No demolition or construction activities shall take place, other than between 08.00 to 18.00 hours (Monday to Friday) and 08.00 to 13.00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 14 No external lighting shall be installed on site until plans showing the specification of light appliance (luminaire type; mounting height; aiming angles and luminaire profiles), the height and position of fitting, illumination levels, beam orientation and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 15 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 16 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.

- 17 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests

undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 18 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 19 INFORMATIVE: The Environment Agency strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful: Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>. Also; Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.

- 20 INFORMATIVE: Due to the presence of a lockable gate at the entrance of Worms Lane, it is advised that the applicant contacts WSCC Highways in regards to access of the road. Please call 01243 642105.

- 21 INFORMATIVE: You will need to contact the Council's Cleansing Team on 01903 737754 or cleansing@arun.gov.uk in order to agree future refuse collection arrangements.

- 22 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on SW's website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.