

## REPORT UPDATE

Application No: FN/56/11/

### Reason for the Update / Changes

Reason for Update/Changes:

#### NATIONAL PLANNING POLICY FRAMEWORK CONSIDERATIONS:

The National Planning Policy Framework (NPPF) was adopted on 27th March 2012, replacing all National Planning Policy Statements and Guidance as well as other Ministerial Advice. Paragraphs; 17, 56-58 and 61 of the NPPF are considered to be relevant in the consideration of this application. It is considered that the construction of the three dwellings would comply with the above criteria.

All reference to Planning Policy Statements/Guidance are deleted from the Officers recommendation.

#### Officers Comment:

Conditions have also been amended, removing all references to PPS1, PPS3, PPS7, PPG13 and PPS25 to be replaced with the NPPF.

Note: The changes to recommendation, conditions and/or reasons show under the attached recommendation sheet.

**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.**

**FN/56/11/**

### Recommendation Report for Planning Permission

**REF NO:** FN/56/11/

**LOCATION:** Land adj to  
Downs Edge House  
Stable Lane Findon

**PROPOSAL:** 3 no. detached 5 bed houses with garages, parking & access (this application lies within the South Downs National Park Authority)

#### **SITE AND SURROUNDINGS**

#### DESCRIPTION OF APPLICATION

The proposed development would comprise of 3 two storey detached dwellings within the garden area currently serving 'Downs Edge'.

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Plot 1 would be sited to the west of the existing dwelling, accessed via a driveway from the existing access and would be served by a detached double garage.

Plots 2 and 3 would be sited to the south of the main dwelling. Access would be gained by a shared driveway extending from that existing within the site. Plot 2 would have an attached double garage and plot 3 would have a detached double garage forward of the dwelling.

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITE AREA                       | 0.42 hectares.                                                                                                                                                                                                                                                                                                                                                                                                             |
| RESIDENTIAL DEVELOPMENT DENSITY | Approximately 7.1 dwellings per hectare.                                                                                                                                                                                                                                                                                                                                                                                   |
| TOPOGRAPHY                      | The site slopes downwards from north-east to the south-west. Properties to the west and south lie on lower land to the application site.                                                                                                                                                                                                                                                                                   |
| TREES                           | Some trees are to be removed, however the trees which are of any significance and contribute to boundary screening are to be protected in accordance with the submitted Arboricultural Survey.                                                                                                                                                                                                                             |
| BOUNDARY TREATMENT              | Eastern boundary kept by mature hedging, approximately 3m in height. Mature hedging and trees to the southern and western boundaries, supplementing timber fencing to a height of approximately 2m. Northern boundary kept by a brick retaining wall with timber fencing above, some 3m above the driveway level.                                                                                                          |
| SITE CHARACTERISTICS            | Site is occupied by a large detached dwelling positioned within the north-east corner of the site with large mature gardens forward of the dwelling and a court yard area to the rear of the site. Two storey property with render and hanging tile elevations and a hipped red tiled roof. Integral double garage with accommodation above and a single storey leisure complex to the side and rear of the main building. |
| CHARACTER OF LOCALITY           | Located at the end of a residential cul-de-sac with a mix of detached properties within the locality. Public footpath with paddock land beyond to the east of the site.                                                                                                                                                                                                                                                    |

#### RELEVANT SITE HISTORY

|          |                                                                                 |                            |
|----------|---------------------------------------------------------------------------------|----------------------------|
| FN/29/87 | Proposed extension to provide a new dining room, drawing room and swimming pool | Approve Cond<br>20-07-1987 |
| FN/55/94 | Extension of existing roofspace over balcony to form en-suite bathroom          | Approve Cond<br>28-11-1994 |

FN/37/96

First floor additions and alterations to the south/west end of the property to form an enlarged bedroom bathroom and dressing room.

Approve Cond

25-07-1996

## **REPRESENTATIONS**

### **Representations received:**

Findon Parish Council

No objection:

- Retention of boundary trees and screening should be conditioned.
- Whilst not objecting, the Parish would have preferred a development offering affordable housing with the area as there is a greater need for such housing.

6 Letters of objection:

- Intrusive effect on AONB.
- Increased amount of development has taken place on garden land in Findon.
- Increase in traffic, with any back-up having an affect on the blind corner leading to Stable Lane, used by valuable race horses, farm traffic and walkers, causing a serious hazard.
- Access road inadequate to accommodate large vehicles.
- Passing builders vehicles during development could damage mature borders to highway, assurances should be given that this will not be the case.
- Any work should take place between 8am and 6pm Monday to Friday given that it is within a residential area.
- Existing trees should be maintained.
- Development to be completed within 1 year to avoid prolonged disturbance.
- All three properties should be developed at one time.
- Speed bumps should be incorporated within road to limit speed.
- Any damage should be made good.
- Land needs checking for possible wildlife.
- Height and volume of houses should be reduced to follow existing land contours.
- Existing pond and bridge should be maintained.
- Bathroom windows on the west side should have opaque glass to stop overlooking.

South Downs Society:

- Development follows an existing pattern of building in larger gardens of nearby houses.
- Development will have no significant impact on the natural landscape of the South Downs National Park as it will be well screened.
- Every effort should be made to protect existing trees lessen that developments impact.
- Further consideration should be given to access.

### **Comments on Representations received:**

The Parish Councils comments are noted. Condition to be attached ensuring retention of the existing trees and protection during the construction phase of development.

Comments on letters of objection:

The development is to take place within the built-up area boundary of Findon, therefore given the existing pattern of development within the locality, the proposed dwellings would not impact upon the South Downs National Park. WSCC Highways are satisfied that proposed increase in traffic would be acceptable and would impact upon highway safety. The disruption from building operations are not a material planning consideration. The other concerns raised

are addressed within the conclusions below.

## CONSULTATIONS

WSCC Local Development Divis.  
Council's Arboriculturalist  
Parks and Landscapes  
Engineering Services Manager

### Consultations responses received:

#### COUNTY HIGHWAYS:

In terms of vehicle movements, the proposal is unlikely to result in a material increase or have a detrimental impact on the local highway network. Providing the proposed car parking does not exceed the WSCC Maximum standards, no highway concerns would be raised, subject to a car parking and layout condition.

#### DRAINAGE ENGINEER:

Drainage by infiltration will require full design supported by infiltration testing and winter ground water monitoring to find the highest annual ground water table. Condition suggested.

### Comments on Consultation responses:

Comments noted, condition to be attached to any recommendation.

## POLICY CONTEXT

Designation applicable to site:  
Built-up area boundary  
South Downs National Park

## DEVELOPMENT PLAN POLICIES

|                           |                                                                                                                                                                                 |                                                                                                                                                                                                          |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| South East Plan:          | <a href="#">SEPC2</a><br><a href="#">SEPCC1</a><br><a href="#">SEPCC2</a><br><a href="#">SEPCC4</a><br><a href="#">SEPH3</a><br><a href="#">SEPH5</a><br><a href="#">SEPSC6</a> | South East Plan- Policy C2 The South Downs<br>Sustainable Development<br>Climate Change<br>Sustainable Design and Construction<br>Affordable Housing<br>Housing Design and Density<br>Affordable Housing |
| Arun District Local Plan: | <a href="#">GEN7</a><br><a href="#">GEN2</a><br><a href="#">GEN9</a><br><a href="#">DEV17</a>                                                                                   | The Form of New Development<br>Built-up Area Boundary<br>Foul and Surface Water Drainage<br>Affordable Housing                                                                                           |

## PLANNING POLICY GUIDANCE

|       |                                        |
|-------|----------------------------------------|
| PPS1  | Delivering Sustainable Development     |
| PPS3  | Housing                                |
| PPG13 | Transport                              |
| PPS7  | Sustainable development in rural areas |
| PPS25 | Development and Flood Risk             |

## SUPPLEMENTARY POLICY GUIDANCE

|      |                                   |
|------|-----------------------------------|
| XXX6 | Interim Affordable Housing Policy |
|------|-----------------------------------|

## POLICY COMMENTARY

### PLANNING

The above policies combine to describe the criteria against which the application will be assessed

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particularly with regard to visual and residential amenity.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

##### **PLANNING**

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**

##### **PRINCIPLE**

The application is for the construction of three detached dwellings within the garden area of Downs Edge House. The site is located within a defined built-up area boundary of the South Downs National Park, in which the development is considered to be acceptable in principle subject to relevant development plan policies.

While the proposed dwelling would be located within the built-up area where the principle of development is accepted, garden land is not considered to be brownfield/previously developed land, by virtue Annex B of Planning Policy Statement 3 (PPS 3). It should be noted that, whilst a presumption in favour of garden land development is no longer pursued, PPS 3 does not advocate taking a negative stance towards garden land development. The core aim of PPS 3 is to achieve development that is better integrated with its surroundings and does not produce excessive density and development of garden land that satisfies this aim would be viewed more favourably.

In this case the proposal is considered to be appropriate as its design and layout would be sympathetic to the density and scale of housing within the locality.

##### **CHARACTER AND APPEARANCE**

The site is located within a suburban area which is characterised by a mix of types and styles of detached dwellings set within generous plots and a soft landscaped street scene. The location of the site at the east end of Stable Lane and the mature screening to the site boundaries mean that any development within the site would not appear as a prominent feature in the locality.

The design and appearance of the dwellings would be of a traditional design each of which having an individual appearance and layout with varying uses of materials noted. It is considered that this design approach would relate sympathetically to the existing dwelling on site as well as being in keeping with the design of the newly constructed properties within the village of Findon.

In terms of layout the proposed development is also considered to be acceptable. The residential density of approximately 7.1 dwellings per hectare would be lower than that of the immediate locality. This ensures that the proposed development does not result in a cramped layout and the generous plot sizes noted within the area are reflected within this development.

#### **RESIDENTIAL AMENITY**

Plot 1 is to be sited to the west of the existing dwelling with the principle elevation facing northwards. 'Downs Edge House' to the east would be some 11 metres from the boundary of this plot and 'Floreat' to the west also a minimum of 11 metres.

Plots 2 and 3 would be sited within the southern part of the site adjacent to one another. Plot 2 is of an 'L' shaped layout with the principle elevation facing north-west, with the principle elevation of plot 3 facing north. Plot 2 would be set away from the its northern boundary by approximately 1.5m with a distance of at least 11m to the existing dwelling and some 15m away from its southern boundary, which is kept by mature hedging and trees. Similarly plot 3 maintains a distance from the west boundary shared with 'Foxford House' of some 8m and a further 20m from the southern boundary.

The topography of the site must be considered to ensure that the residential amenity of existing neighbouring properties and development proposed is acceptable. As such a detailed survey of ground levels existing and proposed for the development will be required. Subject to the approval of such details the layout of the proposal is considered to be acceptable in terms of residential amenity by reason of no adverse overbearing and overlooking affects arising from the development.

The private amenity area maintained for 'Downs Edge House' would be significantly reduced, however it is considered that the private amenity area maintained, together with the large indoor leisure area serving the dwelling ensures that adequate amenity space for current or future occupants of this dwelling would be maintained. Similarly the areas provided for the new residential plots provide generous front and rear amenity spaces ensuring a spacious layout to the development.

#### **IMPACT UPON THE SOUTH DOWNS NATIONAL PARK**

The design and layout of the new dwellings together with their location within an established residential area ensures that they would not detract from the character and appearance of the South Downs National Park. As such the proposal would not conflict with the statutory purposes of the National Park under section 61 of the Environment Act 1995 namely (1) Conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park; (2) Promoting opportunities for the understanding and enjoyment of the special qualities of areas by the public.

#### **AFFORDABLE HOUSING**

The proposal seeks permission for 3No. residential dwellings, therefore in accordance with the Councils Interim Affordable Housing Policy, A S106 Legal Agreement is required to accompany this planning application. The proposed agreement outlines the affordable housing contribution required upon the commencement of the development, in accordance with the Councils Affordable Housing policy which was adopted on 18th August 2010. In this case the authority require an affordable housing contribution of £36,513.

#### **SUMMARY**

In the absence of any undue loss of any visual or residential amenity resulting from the proposed development, it is recommended that subject to the receipt of a satisfactory Section 106 Legal Agreement for the affordable housing contribution required upon the commencement of the development, the application is approved subject to the following conditions:

**RECOMMENDATION**

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 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;

Drawing No.s 320/01 (Site Layout); 320/P1.01; 320/P1.02; 320/P1.03; 320/P1.04; 320/P1.05; 320/P2.01; 320/P2.02; 320/P2.03; 320/P2.04; 320/P2.05; 320/P3.01; 320/P3.02; 320/P3.03; 320/P3.04; 320/P3.05 and 320/Ga.01 (Garage Details Plots 1 & 2).

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 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site as detailed within the submitted Arboricultural Survey by PJC Consultancy, PJC Ref No: PJC/1090/11 (dated 23rd August 2011) have been protected by a fence in accordance with BS5837 (2005) and, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2005) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be disturbed, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If there is no alternative but to locate the services in the root protection areas then its encroachment into the Root Protection Area must be kept to a minimum and the roots should be exposed using compressed air technology, such as the air spade, to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree and if so a replacement tree must be planted during the next planting season of a species and maturity to be agreed in writing with the Local Planning

Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (Drawing No. 320/01). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the dwellings and garages the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details approved and there shall be no subsequent raising or lowering of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No development shall be carried out 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 dwellings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwellings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No dwelling, hereby approved, shall be occupied until the car parking spaces have been provided, surfaced and marked out in accordance with a detailed construction plan to be submitted to and approved by the planning authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide the maximum level of car parking for the development in accordance with the County Council car parking standards.

- 10 Development shall not commence 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 systems as set out in Approved Document H of the Building Regulations, the recommendations of PPS 25 annex F and the SUDS Manual produced by CIRIA. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and shall thereafter remain in perpetuity. Winter groundwater monitoring to establish highest winter ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with GEN7, GEN9 of the Arun District Local Plan.

- 11 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 12 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

#### SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

#### RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN9, DEV17

SOUTH EAST PLAN: C2, CC1, CC2, CC4, H3, H5, SCT6

#### NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 13      INFORMATIVE: The application is subject to a S106 Legal Agreement with regards to an affordable housing contribution.