

## TOWN AND COUNTRY PLANNING ACT 1990



## DECISION NOTICE

Application Ref: FN/56/11/

**1 To Addressee**

Hillreed House Ltd  
Hillreed House  
54 Queen Street  
Horsham  
West Sussex  
RH13 5AD

**2 Site Address**

Land adj to  
Downs Edge House  
Stable Lane  
Findon  
BN14 0RR

**3 Description of Development**

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

**4** In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

**CONDITION 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).

**CONDITION 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.

- CONDITION 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.

- CONDITION 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.

- CONDITION 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.

- CONDITION 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.

- CONDITION 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.

- CONDITION 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.

- CONDITION 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.

- CONDITION 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.

CONDITION 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.

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.

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

Case Officer: Mr P Cleveland

Head of Planning Services  
Arun District Council  
The Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex BN17 5LF

Date of Decision:

**30th March 2012**

Date Decision Issued:

**30th March 2012**



Karl Roberts  
Assistant Director Planning Services &  
Housing Strategy

**IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT**

## NOTES RELATING TO PLANNING APPLICATION TOWN AND COUNTRY PLANNING ACT 1990

### APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in case of a householder appeal) of the date of this notice, whichever period expires earlier.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council

(that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).