

Agenda Item 11
Report PC19/20-33

Report to	Planning Committee
Date	16 January 2020
By	Director of Planning
Local Authority	SDNPA (Arun District Council)
Application Number	SDNP/19/05226/PIP
Applicant	Vortal Properties Ltd
Application	Application for Permission in Principle for residential development of up to 9 no. dwellings.
Address	Land at Elm Rise, Findon, West Sussex, BN14 0UP.

Recommendation: Permission in Principle be refused for the reason set out in paragraph 10.1 of the report.

Executive Summary

The application site is a paddock on the northern edge of Findon and is an allocated site for residential development for between 14-18 dwellings within the South Downs Local Plan (SDLP) (Policy SD69).

This report assesses a Permission in Principle (PIP) application which proposes up to 9 dwellings on the whole of the allocated site. This type of application is the result of recent legislation which enables applicants to apply for a PIP without the need to submit various plans and supporting information that would otherwise be required when applying for outline planning permission for instance. A PIP is however limited to only minor residential development (under 10 dwellings and a 1 hectare site) and so, consequently, a smaller scale of development than outlined in SD69 is proposed.

The PIP has been submitted due to uncertainty regarding the emerging Updated Findon Neighbourhood Development Plan (UFNDP) and feedback from pre-application discussions, however, it is understood that a larger form of development is likely to be progressed.

The 3 main considerations for determining a PIP application are location, land use and amount of development. These must be assessed against the Development Plan policies. Given the site's allocation in the SDLP, the assessment has focussed on the amount of development. Whilst the number of dwellings proposed is constrained by the legislation within this type of application, the proposals are considered contrary to the Development Plan and National Planning Policy Framework (NPPF) due to the inefficient use of land and the larger scale of development envisaged by the Site's allocation in SD69.

The application is placed before the Committee due to the policy considerations in the SDLP, as outlined in this report.

I. Site Description

- I.1 The Site is located on the northern edge of Findon and is a rectangular paddock of approximately 0.8ha. It is bordered by mature trees and hedging and surrounded on three sides by residential properties which are a mix of sizes, styles and ages, whilst to the north there are further equestrian paddocks.
- I.2 The land rises steeply across the site in an easterly direction from Elm Rise. There is a field gate at Elm Rise, which is the main access for the site. On either side of this access, within

the site, are a horse chestnut and ash tree which are subject to a Tree Preservation Orders. There is a smaller second access at the north-west corner of the site which leads into an adjacent paddock and up to Stable Lane.

- 1.3 There are wider views of the surrounding landscape to the west from within the elevated eastern end of the site. Conversely, it can also be seen from public footpaths to the west. The northern site boundary can also be seen from a field gate on Downview Road to the north. The site is a short distance from the village centre, which is also a conservation area.

2. Relevant Planning History

- 2.1 There are no relevant determined planning applications for the Site.
- 2.2 Policy SD69 of the SDLP 2019 allocates the site for new residential development of between 14 to 18 dwellings.

3. Proposal

- 3.1 The application seeks a 'Permission in Principle' for a residential development of up to 9 dwellings on the site.
- 3.2 The application is accompanied by a site location plan as well as a layout plan to demonstrate how 9 dwellings could be accommodated. This layout is only indicative and should not be given weight in the decision making.

4. Consultations

4.1 Findon Parish Council: Objection.

- The SDNPA is aware of the Parish Council's previous objections to the residential development of the site.
- Support the objection submitted by the Updated Findon Neighbourhood Plan Working Group Lead.

4.2 Highways Authority: No objection.

4.3 Landscape (SDNPA): Comments.

- Likely that 9 dwellings would be sensitively accommodated within this site.
- Landscape evidence supporting the Local Plan was used to determine the suitability of the residential development of this site.
- Development of this site will need to consider all of the sensitivities of the site and adhere to a Landscape Led approach at the technical details stage.
- A clear evidence-based design rationale needs to inform the overall scheme, alongside other policy considerations (eg. housing mix).

4.4 Policy (SDNPA): Objection.

- Contrary to policy SD25; does not make efficient use of land.
- Contrary to SD69; does not accord with policy aim of 14-18 dwellings, notwithstanding constraints of a PIP application.
- Site underwent scrutiny at Examination where its allocation was revised to 14-18 dwellings, which took local character into account.

5. Representations

- 5.1 11 objections have been received. The responses include a representation from the Updated Neighbourhood Plan Committee. The representations raise the following concerns:

Overall

- Loss of field would harm Findon's equestrian heritage and economy.
- UFNDP sites are less sensitive to develop, supported by the village, and are more viable.
- UFNDP sites would deliver the SDLP housing provision.
- UFNDP was prepared alongside the SDLP, but its aspirations and different housing allocations were not taken into account.
- Site scored the lowest in the public consultation on the UFNDP.
- Does not have the support of the UFNDP committee and residents.

- Precedent for building further housing on other fields in equine use.
- Agree with the views of the UFNDP committee and contrary to the UFNDP.
- Community's views need to be taken into account in planning decisions.
- Its use as paddock should remain.
- Development should be put on hold pending the Examiners report.
- Site conflicts with the SPB policy and allocations in the UFNDP.
- No community input on the design, which should be influenced by the local context.

Landscape

- SDNPA has a responsibility to protect the unique landscape and rural village character.
- Sensitive location, highly visible from locations around the village.
- Findon's nestled appearance in the landscape will be eroded.
- UFNDP sites respect the Findon's character as a dry valley bottom settlement.
- Out of keeping with the landscape character of the area.
- Will impact upon the green edges of the village.
- Paddocks on the edge of the Downs should be protected.
- Development extends into chalk downland, compared to alternative sites in the UFNDP.
- Unacceptable visual harm, as evidenced by adjacent new properties.
- Light pollution will harm dark night skies.

Flooding

- Will exacerbate flooding in the village.
- Adverse effect upon adjacent properties to the west.
- SUDS pond should be replaced by piping water into mains network.
- Southern Water won't allow surface water entering the network for capacity reasons.
- SUDs pond adjacent to residential properties poses a flood risk.
- Climate change will exacerbate flooding issues.
- Concern about management responsibilities for the surface water scheme.

Highways

- Increased traffic, congestion in Findon is a significant problem.
- UFNDP sites will have less impact on the village centre.
- Capacity of estate roads to cope with HGVs.

Amenity of neighbours and layout

- Harmful overlooking and loss of privacy to Horseshoe Close properties.
- Dwellings should be in the eastern part of the site.
- Noise impact from greenspace adjacent to Horseshoe Close.
- Location of SUDs pond will cause damp and humidity to adjacent properties and encourage pests (e.g. mosquitos, flies, rats).
- Significant buffer between the SUDs pond and adjacent properties required.
- Proximity of SUDs pond to adjacent properties will affect their value.

5.2 **UFNDP Committee:** Objection.

- Query whether the housing provision would be revised downwards subsequent to the SDLP, or if not whether development of 9 dwellings would result in other sites needing to come forward.
- Should support the UFNDP allocations, which have clear community support and are less sensitive in the landscape.
- Development of this site is contrary to localism.

Local Landscape Character

- Previous enclosure of the site by boundary planting has separated it from the wider downland, resulting in its consideration for development rather than unwarranted enclosure.
- Will affect the village's historic relationship with the open downland landscape.
- Use and scale of development will harm local landscape character at the settlement edge.
- Site is part of a network of grazing paddocks, vital to equine businesses and retaining open downland character.
- A landscape-led design approach means limited development without landscape harm.
- Landscape Characterisation Study identifies the high visibility of the land in open downland from public vantage points.
- Would create hard unnatural edge to the village and only hidden by a landscape buffer.
- Development should be illustrated from public vantage points to assess landscape impact.
- Impact upon the conservation area in terms of retaining views of the countryside and remnants of 19th C character of Findon.
- Additional traffic will impact upon the conservation area.
- Residential development adjacent the site shows clear visual harm, which will be exacerbated by the Site's development.
- Further consideration of landscape harm should be given in a detailed scheme.
- Impact on dark night skies.

Equine heritage and businesses

- The SDNPA should support the local equine heritage of Findon.
- Demand for grazing paddocks is higher than supply.
- Loss of grazing paddock will harm the sustainability of Findon's equine heritage and economy.
- Will either result in the need for further unwelcome enclosure of open downland for additional grazing paddocks to sustain equine businesses, or the loss of equine businesses if it is perceived there will be a progressive loss of paddocks to housing.

Design

- Landscape led approach should prevail.
- No benefit or improvement in access to open downland walks from proposed footpath.
- Public open space at the highest part of the site has no community and wildlife benefit or as a green corridor.
- Challenging site to develop as demonstrated by 9 dwellings being proposed.
- A higher density compared to surrounding residential development and out of character.
- Higher density would not be supported by the NPPF in regard to need.
- Landscape buffer would be a crucial enhancement needing to be retained and managed.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory Development Plan comprises of the South Downs Local Plan 2014-2033 and the adopted Findon Neighbourhood Development Plan (FNDP) 2016. The relevant policies are set out in section 7 below.

6.2 The Submission version of the Findon Updated Neighbourhood Development Plan Update 1 (FUNDP) 2019-2035 underwent an Examination and the Examiners Report was published by the SDNPA on 13th December 2019. It is a material planning consideration.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;

- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 24 July 2018 and revised in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF) 2019

- 6.5 The National Planning Policy Framework has been considered as a whole. The following NPPF sections have been considered in the assessment of this application:
- Achieving sustainable development
 - Promoting sustainable transport
 - Delivering a wide choice of high quality homes
 - Requiring good design
 - Meeting the challenge of climate change, flooding and coastal change.
 - Conserving and enhancing the natural environment

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.6 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

Major development

- 6.7 In the first instance, the proposed development does not constitute major development for the purposes of the NPPF and policy SD3 (Major Development) of the South Downs Local Plan (2019).

The South Downs National Park Partnership Management Plan 2019-2024

- 6.8 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include: 1, 50.

7. Planning Policy

- 7.1 The following policies of the South Downs Local Plan 2014-2033 are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD19: Transport and Accessibility
- SD25: Development Strategy
- SD26: Supply of Homes
- SD69: Land at Elm Rise

- 7.2 The following policies of the made FNDDP are relevant:

- GAI – Sustainable Transport

- GA2 – Footpath and cycle path network
- 7.3 The following emerging UFNDP policies are relevant:
- GA1 – Sustainable Transport
 - GA2 – Footpath and Cycle Network

8. Planning Assessment

Background

- 8.1 Legislation was introduced in 2017 (the Town and Country Planning (Permission in Principle Order 2017) and since 1 June 2018 it has enabled an alternative route of obtaining planning permission for ‘minor’ housing led development (less than 10 dwellings and/or on a site of less than 1ha).
- 8.2 A Permission in Principle (PIP) application seeks to establish whether a site is suitable in principle for residential led development. A PIP can only be applied for minor developments where a site is less than 1ha and 10 dwellings. There are also a number of exemptions which include development subject to the Environmental Impact Assessment (EIA) regulations 2017. In this respect, having had regard to the development proposed, in accordance with the EIA Regulations, it would be unlikely to have significant environmental effects of the magnitude and scale to be EIA development.
- 8.3 The scope of any PIP, and therefore consideration of it, is limited to:
1. A site’s location;
 2. The proposed land use; and
 3. The amount of development.
- 8.4 This application is part of a two stage process in obtaining permission for the residential development of the site. The first stage is seeking a ‘Permission in Principle.’ No technical reports are required at this stage and a red line location plan is the only requirement. No planning conditions or S106 Agreement can be secured in a PIP, but it expires after 3 years.
- 8.5 The second stage is an application for ‘technical detailed consent (TDC)’. The latter would involve the detailed matters of a scheme such as design and mix of the dwellings, affordable housing, impact on neighbouring amenities, ecology, flood risk, highway safety. At this stage, a S106 Agreement can also be secured.
- 8.6 The requirements for a valid technical details consent application are the same as those for an application for full planning permission. National planning guidance advises that local planning authorities should take a proportionate approach to any information they request for TDC applications which should be relevant, necessary, and material to the application.
- 8.7 Only when both the PIP and the TDC applications have been approved, in effect, full planning permission is considered as granted. For either stage, applications need to be determined in accordance with the Development Plan and any materials considerations.
- 8.8 Whilst the Applicant is not required to provide details of a scheme at this stage, a site layout plan has been submitted for indicative purposes only to demonstrate how 9 dwellings could be accommodated. This should not however be given weight in the determination of the application.

The FNDP and UFNDP

- 8.9 The made FNDP did not allocate residential sites, which was contrary to the SDNPA’s advice. The Examiner of the FNDP concluded that by not allocating sites meant it wasn’t in conformity with the emerging SDLP, but allowed it to proceed to referendum because other policies had merit and that the SDNPA would allocate sites in the SDLP.
- 8.10 At the Pre-submission Stage of the SDLP (2017), a housing provision of 28 new dwellings and specific sites were proposed. Findon Parish Council objected to these proposals and the UFNDP was progressed with a Pre-Submission draft being published in June 2018 which included alternative housing sites to those in the SDLP. Subsequently, a Submission version was submitted to the Authority which still included housing sites after the SDLP’s adoption in July 2019.
- 8.11 The UFNDP underwent an Examination and the Examiner’s report has been published since the application was submitted. They concluded that none of the alternative sites should be

progressed and recommends that these sites and corresponding policy are removed from the UFNDP. **Further detail on the Examiner's report is provided in the report at Agenda Item 15.** The policies for these housing sites should not therefore be afforded any weight in the determination of the application.

- 8.12 The Examiners Report will provide more certainty for the Applicant about the principle of the development. It is anticipated that a larger scheme is progressed in the future. Notwithstanding, some of the rationale for the submission of the PIP application by the Applicant has been in response to concerns about the UFNDP and uncertainty surrounding how the site could be developed following pre-application advice.
- 8.13 The pre-application discussions considered a proposed scheme of 18 dwellings which was not widely supported by officers and the Design Review Panel, with many competing priorities amongst SDLP policies having been considered, including amount of development, its design and environmental considerations. It has been outlined in the current application that 9 dwellings seeks to address the environmental priorities and requirements of SD69 which in turn has constrained the developable area.
- Principle of development
- 8.14 This section deals with each of the 3 main issues cited above in paragraph 8.3.
1. Location
- 8.15 The Site is within the settlement policy boundary of Findon following its allocation for residential development. The merits of its allocation were scrutinised through the Examination of the SDLP and, consequently, it is an appropriate location for new residential development.
2. Land use
- 8.16 The site's residential use is acceptable given policy SD69 allocates it for between 14 to 18 dwellings.
3. The amount of development
- 8.17 This is a key consideration underpinning the recommendation. The application includes the whole of the allocated site and nine proposed dwellings would equate to a density of 15 dwellings per hectare.
- 8.18 The Applicant cannot apply for a higher number of dwellings than 9 via a PIP due to legislation. The justification for this number has also been proposed based on meeting other policy objectives in SD69. Notwithstanding, the SDLP should be read as a whole with all relevant policies forming the starting point in any consideration and, overall, the proposals are primarily considered to be contrary to the SDLP in regard to the amount of development proposed and the inefficient use of the site. Indeed, the potential of the site was scrutinised through the Examination into the SDLP and a scheme of between 14-18 dwellings in principle was considered acceptable.
- 8.19 For determining this application, the policy considerations concerning the amount of development as outlined in policy SD69, and its criteria, need to be weighed against other policies in the SDLP in the planning balance, as well as the NPPF.
- 8.20 Policy SD25 advocates the efficient and appropriate use of land and identifies towns and villages, including Findon, across the National Park that are able to accommodate an appropriate level of growth. The NPPF similarly outlines the need to make efficient use of land for development and advises that applications should be refused which fail to make efficient use of land and ensure that the potential of sites is optimised, provided other policy is the NPPF is accorded with.
- 8.21 Policy SD26 outlines a housing provision for Findon of 28 dwellings up to 2033, which is to be delivered through two allocated sites within Findon. These are land at Elm Rise and at Soldiers Field House (SD70). With the respective ranges of 14-18 and 10-12 dwellings on each site, there is an expectation of 28 dwellings being achieved. A scheme of 9 dwellings would therefore affect overall housing provision insofar as any future development to meet it would need to be met through any 'windfall' sites.
- 8.22 In addition, the strategic aim of maximising affordable housing would not be achieved given 9 dwellings would underutilise the site. This would only require 3 affordable dwellings to be in

accordance with SD28. Certainly, the development of allocated greenfield sites should seek to deliver upon this strategic aim as delivering affordable housing and supporting the socio-economic well-being of communities underpins an overall housing strategy within the SDLP.

- 8.23 Regarding environmental opportunities and constraints, a 9 dwelling scheme would offer greater scope for environmental net gain, having relatively less impact than a larger development. A smaller scheme could also better accord with a criteria in SD69 to focus development in the southern and west parts of the site and provide a large amount of public greenspace for example.
- 8.24 There are, therefore, competing priorities between strategic aims of the SDLP regarding housing provision and affordable housing versus a smaller scheme which could offer more potential for environmental gain given that a larger area of the site could be undeveloped. Nonetheless, a scheme of 14-18 dwellings could, subject to its design, still achieve a landscape led and ecosystems approach, environmental net gains, create an appropriate settlement edge, mitigate any landscape impact, as well as meet other SDNP policies such as managing surface water and respect the amenities of neighbouring properties.
- 8.25 In conclusion, the principle of residential development has been established but whilst a PIP is limited to minor development under ten dwellings it must be considered against Development Plan policies. The amount proposed is not acceptable given the weight to be attached to all the relevant policies and making best use of land.

Representations

- 8.26 Many of the concerns raised relate to the principle of development and support the UFNDP sites. The principle of the site's development, including its landscape impact, impact on the character of Findon and highways concerns has been considered within the Examination of the SDLP and the alternative sites in the recent Examiner's report on the UFNDP. Many other concerns raised about design, such as layout and drainage, are not considerations in this application.

Highways and access

- 8.27 The access outlined in SD69 would be utilised by any scheme on site and this is considered acceptable for either a 9 dwelling or larger scheme.

Trees

- 8.28 The site is bordered by mature trees and hedgerows, including two TPO trees at the site access at Elm Rise. A scheme of 9 dwellings could retain and has the potential to enhance these features and would need to be considered at the TDC stage.

CIL

- 8.29 This development would be CIL liable and the liability would only be calculated at the TDC stage.

9. Conclusion

- 9.1 It is necessary to consider the merits of the application against the 3 main issues of location, land use and amount of development. The proposals are acceptable in respect of location and land use in light of the Site's allocation. The number of dwellings proposed is constrained by legislation which relates to minor development, but given the application must be assessed against the Development Plan and any material considerations concern is raised that a development of 9 dwellings in principle does not accord with SD69 and other policies as outlined above.

10. Reason for Recommendation

- 10.1 It is recommended that Permission in Principle be refused for the following reason:
- I. The proposal, by reason of the amount of development, would not make efficient use of land and optimise the potential of the site to accommodate an appropriate amount of development. The proposal is therefore contrary to policies SD1, SD25, SD26 and SD69 of the South Downs Local Plan 2019, the National Planning Policy Framework 2019, and the statutory duty of a National Park to foster the economic and social well-being of local communities, as outlined in Section 62 of the Environment Act 1995.

11. Crime and Disorder Implication

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This PIP application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

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Appendices 1. Site Location Map.

SDNPA Legal Services, Development Manager.
Consultees

Background Documents All planning application plans, supporting documents, consultation and third party responses

<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

South Downs Integrated Landscape Character Assessment 2005 and 2011

<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

SDNP Local Plan 2019

https://www.southdowns.gov.uk/planning/south-downs-local-plan_2019/

Made Findon Neighbourhood Development Plan (2016)

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/findon-neighbourhood-plan/>

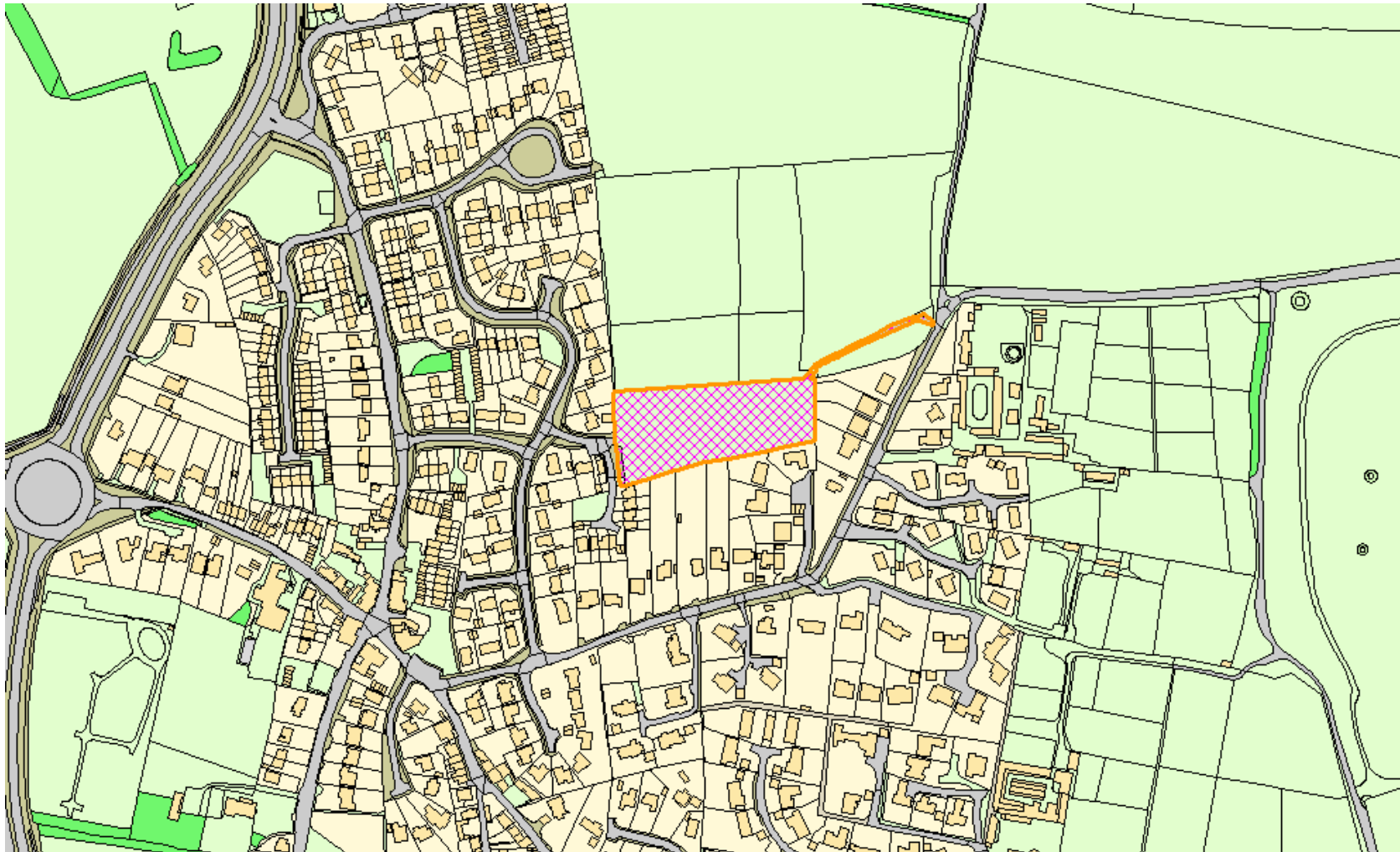
Updated Findon Neighbourhood Development Plan (Submission Version) 2019

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/findon-neighbourhood-plan/>

Examiners Report on the Updated Findon Neighbourhood Development Plan

<https://www.southdowns.gov.uk/planning/planning-policy/neighbourhood-planning/neighbourhood-development-plans/findon-neighbourhood-plan/>

Site Location Map



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