



Arun District Council
Planning Department
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

01/12/16

Dear Mrs Kernohan,

I refer to Planning Reference AL 107/16.

Thank you for sending through the consultation responses received in regards to our application. I will address the points raised by residents and consultees below.

Resident's comments

-That 50% of the affordable houses are close to Kittenash when they are supposed to be spread throughout the site.

Our Response: The affordable Housing is spread throughout the site. Please see Tenure Plan Ref. 160104/TP Rev C. The Housing Officer is happy with the location of the affordable housing.

- The windows of 6, 7, 8 and 9 will all look directly into Kittenash with a complete loss of privacy.

Our response: The separation distance between the rear elevation of Kittenash and the front elevation of Plots 6 – 9 is a minimum of 42.5m. This separation is way in excess of the 20m policy guideline and this level of separation will fully protect the amenity of Kittenash.

-The building type proposed in the NW corner are not in keeping with the bungalow style of the local properties.

Our response: There is a mixed vernacular in the area. The Manning House type is offset from the property with a single storey garage. There would be no loss of amenity to Kittenash.

-At the bottom of the garden a eucalyptus has not been included in the tree survey – and so protection has been given to the roots.

Our response: A revised Tree Protection Plan (Rev 3A) has been provided showing additional root protection areas around trees and hedgerows.

-The proposed hedge at the bottom of their garden is too close to allow them to maintain their hedge- they suggest a 1.8m fence instead of a hedge

Our response: A revised boundary plan is included showing a 1.8m fence.

- Proposed substation will undermine the brick walls of their cesspit which is located on the southern edge of the garden. They do not know exactly how far the cess pit extends.

Our response: The sub-station has been relocated away from the boundary with Kittenash.

- To the east the proposed hedge to be maintained at 1m will mean the privacy of Kittenash will be compromised- again they suggest a 1.8m fence.

Our response: A 1.8m fence is now proposed.

- The hedge on this boundary would make it impossible for them to maintain their hedge

Our response: This hedge has been removed.

- The Carpinus betulus trees by their front garden will reduce their light and grow too large. These have not been included in the tree survey.

Our response: This tree would have been too small or too far from the boundary to be significant.

- A crategus is located where the garage of plot 19 is shown – but this has not been shown on the tree survey.

Our response: Our Arborist has confirmed that this tree was not large enough to warrant its inclusion on the Tree Survey.

- A proposal for street lighting on the NW side of the site will impact their property.

Our response: A revised street lighting plan is included removing two street light columns. Please see Drawing Reference BSO0E4462-017 Rev A.

- Proposal for street lighting to the rear will also affect Kittenash.

Our response: The street lighting column to the rear of Kittenash faces away from their property towards the private car park. The orientation of the lanterns and the use of cowls will mitigate against any light spillage into their property.

- The stable B1 has not been checked for bats as the main barn has been locked for many years.

Our response: The Stable B1 was inspected in 2013 for the outline application. It was further inspected in 2015 for this current application. On both occasions it was concluded to have negligible potential for bats. Please see the Phase 1 Habitat Assessment Report submitted in support of this application for further information.

- Acoustic fencing should be installed beside Kittenash.

Our response: This is not considered necessary.

-The substation will cause noise pollution.

Our response: The substation has been relocated away from the boundary with Kittenash. The substation will be brick built and will not cause any noise pollution.

- A cut through to the open ground between Sundew and Kittenash will occur due to the proposed car parking area causing anti-social behaviour. This area is in the sole ownership of Kittenash.

Our response: This cut through will be fenced off to prevent access to the site. A revised boundary treatment plan (Rev D) is included.

Aldingbourne Parish Council's comments:

The Outline Planning Permission approves the principle of development for 'up to' 79 dwellings. Consideration of density/layout and whether this number of dwellings on the Application Site would be in-keeping with the character of the surrounding area were not considered at outline stage. Taking into consideration the density of the surrounding area, which the developers indicated with their original application have a density of between 13dph and 23dph, it is clear that the Proposed Development, which has a density of 34dph, is materially higher than the existing properties, and thus considered to be in direct conflict with Policy DSP 1 of the eALP and Policy H3 of the ANDP. Given that both of these policies relate to the supply of housing they might be considered 'out of date' as set out at paragraph 49 of the NPPF. Nevertheless, they can still be afforded significant or even 'substantial weight' in the determination of planning applications (as was the case in respect of the recent Yapton Appeal Decision).

Our response: In reaching the appeal decision, the Inspector has to consider whether 79 dwellings can be accommodated on the site. In reaching his conclusion he considered issues such as the character of the area, drainage and highway matters. Therefore, the principle of development has been established.

There are 24 affordable housing units proposed and 12 of these are grouped adjacent to the western boundary of the Application Site and adjacent to a proposed parking area and sub-station to the north west. It is considered that the grouping of 50% of affordable units in one location on the Application Site represents a large grouping which conflicts with Policy HSP2 of the ALP.

Our response: The Affordable Housing Officer has been consulted on the application and has raised no objection to the clusters proposed.

It is clearly evident that the size of affordable housing units does not reflect the latest available housing needs evidence, with no 1 bedroom dwellings provided. The Proposed Development therefore conflicts

Our response: The Affordable Housing Officer has been consulted on the application and has raised no objection.

Policy D DM3 of the eALP sets out external space standards for residential development. As no schedule of accommodation appears to have been provided it is difficult to establish whether the standards have been met for all of the proposed dwellings. However, it is evident that the 'small semi-detached' dwellings proposed do not meet the required minimum standard of 65sqm. More information is needed but in any case, it is clear that the Proposed Development is contrary to eALP Policy D DM 3 The Design and Access Statement only refers to minimum depth standards' with no mention of the 'area' standards.

Our response: There are only two house types on the site that fall below the Nationally Described Space Standard by 0.8m2. The remainder of the dwellings exceed the Nationally Described Space Standards.

ANDP Policy H8, on Outdoor Space, states in full:

'All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area.' For the reasons outlined above it is considered that the Proposed Development does not provide adequate private garden space and it is therefore in conflict with ANDP Policy H8.

Our response: All private gardens meet the minimum garden depth of 10sqm, as required by policy. The parking provision on site meets the West Sussex County Council standards and all properties will be provided with recyclable and non-recyclable waste storage.

Affordable Housing Officer comments':

- The size of properties has not been agreed with the Housing Strategy and Enabling Manager as required by the Arun District Council Affordable Housing Policy (Updated May 2016) and does not accord with the National Planning Policy Framework which states that the local planning authority should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Our response: We will contact the Council's Housing Officer to discuss tenure as required to discharge our obligation secured in the S106 Agreement.

- The affordable housing should be constructed to be indistinguishable from the Market housing. The applicants should seek to make at least one of the rented affordable dwellings fully wheelchair accessible.

Our response: The affordable housing will be indistinguishable from the market housing with small clusters throughout the site. 1 unit will be a fully wheelchair accessible unit.

- The affordable housing according to the plan submitted by the applicants has been integrated into the overall development.

Our response: Noted.

- In terms of the provision of affordable housing the scheme is broadly supported.

Our response: Noted.

Drainage:

Following a recent meeting between Terry Seymour and Tom Callaway, we have submitted a Technical Note on Drainage and Foul. With regards to the foul drainage strategy, chapter 5 of our Drainage statement (August 2016) describes the strategy which will incorporate an adoptable foul water pumping station and the onsite network is proposed to be offered for adoption to Southern Water. The final connection to the existing Southern Water network is to be undertaken via a Section 98 Agreement. Since the submission of the drainage report, the initial proposals for the Section 98 works has been provided by Southern Water which includes the extent of works to be undertaken to accommodate the increase in foul water discharge from the site. A copy of this has been appended to this note.

Trees:

The supporting reports are very detailed but I have concerns that these four key oaks are not being afforded adequate protection and respect. In accepting that this is the only way that they can access the site I also wish to see this done in such a manner that it causes the minimum of disturbance to these trees. For example:-

- a) they are specifying ground protection beneath trees 4, 5 & 6 and 'No Dig' Cellweb surfacing detail for the access road and footpath which is fine but the 'No Dig' Cellweb needs to be shown to come all the way westwards up to the building line of Oakdene.

Our response: Although initially proposed to be built using Cellweb, this is now to be built using a concrete bridge type details, as is accepted by Hampshire CC for adoption (details to follow). Regardless of the construction method to be used, it's not clear why the surface needs to be extended. It can be seen on the submitted tree protection plan that the root protection areas for the two oaks T4 and T5, that are encroached by the shorted 'no-dig' road, are small in size (orange on the attached), and as per section 5.3.1a) of BS5837, the lost area is made up by fencing off other adjacent land (green on the attached). The yellow area is within the footprint of Oakdene and therefore excluded from protection as the presence of roots beneath it will be negligible.

- b) There will need to be Arb. Expert monitored 'hand digging' of slit trenches to the south of Trees 1 & 4 and 5 at the back edge of the new footpath to sever roots of 25mm diameter and under with bypass secateurs.

Our response: As the entire road is to be built above ground, this comment is redundant.

- c) I do not automatically accept that just because a tree has fungal brackets on it, it is dangerous and must be removed – they will need to prove this with a combined PICUS & Resistograph investigation and then submit the findings for scrutiny before we can agree to any TPO'd Oaks being removed.

Our response: Unusually request for a tree with such obviously extensive internal decay (three separate areas of fungal fruiting bodies visible at time of survey with associated baseball swelling typical of reaction growth following internal weakening- adjacent to a highway).

- c) There is a contradiction in that whilst we are having 'No Dig' surfacing laid to the south of trees 4,5 & 6 they then specify that all utility service trenches will go straight through this zone – this is a 'NO Dig' zone that goes very close to the trunk of and directly through the RPA of the best tree on the site T6 which is an A graded tree and would be severely undermined and compromised if these excavation works are approved – I would want to see an alternative offered of 'Thrust Boring' through the RPA of this tree under the main root system at a depth of minimum 1m below the surface.

Our response: Certain utilities need to access the site from Hook Lane. They will be hand excavated (and supervised) on the far southern side of the road, not near the trunk of T6, but at the farthest point from the tree. Hand excavation is in-line with B5837 recommendations.

County Ecologist's further comments:

With reference to the above application and the response to my queries/concerns from White Young Green's ecologist, I can confirm the following:

- 1) I'm satisfied that the ditches on-site have negligible potential to support water voles and Great Crested Newts and therefore further investigation is not necessary

Our response: Noted. No further action required.

- 2) I'm satisfied that the trees on-site have been assessed as having negligible potential to support roosting bats and therefore do not need further surveys; Noted.

Our response: No further action required.

However, with regards to the Bat Surveys, I still have some concerns. The original phase 1 report which accompanied the outline application indicated that the building "Oakdene" had low to moderate potential to support roosting bats under the hanging tiles and therefore recommended follow up emergent surveys. There is no evidence to suggest that these surveys have been undertaken. However, the more recent phase 1 concludes that Oakdene has negligible potential to support roosting bats. The Council has received a number of representations regarding bats using the site. Therefore, a precautionary approach should be taken. It should be conditioned that removal of the hanging tiles on Oakdene should be done by hand under the supervision of a bat ecologist.

Our comment: WYG Ecology will provide an ECoW to supervise the tile removal on Oakdene.

3) Should a bat be found, all works should stop and Natural England should be contacted. In addition to the mitigation proposed in section 7.2 of the Ecological Mitigation and Management Plan, including installation of tree protection fencing; infill planting of hedgerows with native species and Bat sensitive lighting with restriction of light spill to 1 lux; I would also like to see conditioned the installation of 2 bat boxes on suitable locations within the site.

Our comment: The EMMP submitted with the application already includes the installation of 2 bat boxes as an enhancement measure (Section 7.2.3) therefore there should be no need for a further condition as this is covered by condition 14 of the outline consent.

4) The general mitigation and enhancements proposed in sections 6 and 7 of the Ecological Mitigation and Management Plan are acceptable and it should be conditioned that this is implemented in its entirety. This includes:

- Protection of habitats through installation of fencing;
- Construction of the attenuation pond;
- Removal of vegetation outside of the bird-breeding season;
- Eight bird boxes to be installed;

Our comment: The EMMP was submitted as part of this application for information. However, it will also have to be formally submitted under a Discharge of Condition application to discharge condition 14 of the outline consent. No further planning conditions are required.

Highways

As stated in paragraph 3.7 of the Reserved Matters Transport Assessment, all internal site roads are to remain private. This matter is also addressed in the highways comments, where the 'Management Company Plan, drawing reference 160104/MC, is stated which demonstrates that the internal layout is to be kept private.

Please find enclosed a C.D with a revised set of plans including the technical note on our Drainage and Foul strategy. I have also provided an updated plan/report list for ease of reference.

I look forward to receiving confirmation that the application will now be reported to the 4th January 2017 Committee with a positive recommendation.

Yours sincerely,

Aaron Wright
Planning Manager
David Wilson Homes