



Mr C. Purdy
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Your Ref:

Our Ref: PAA/140/15/

Please ask for: Mr S Davis

01903 737874

13 January 2016

Dear Mr Purdy

Pre-Application Advice

Demolition of existing detached house and erection of 4No. 3 bed houses and 3No. 2 bed houses with associated gardens, parking and access

Byfields Nyton Road Aldingbourne

I write regarding the above matter and your enquiry received on 2nd November 2015.

Description Of Proposed Development

From the details submitted, I understand that you propose to demolish the existing dwelling and erect 4no 3 bed semi-detached houses and 3no 2 bed terraced houses with associated gardens and parking. The scheme utilises the existing access point onto Nyton Road which itself is shared with the neighbouring dwelling, Mill View. No elevations are provided but the layout drawing shows a 3 dwelling terrace side on to the road and two pairs of semidetached dwellings deeper into the site and facing the road. A total of 14 parking spaces are shown including 4 garages set to the side of the semi-detached dwellings.

Description Of Site

The application site comprises a detached dwelling of 1.5 storeys with gardens to the front, rear and both sides. The site is predominantly flat and excluding the access, 0.17 hectares in size. There are some notable trees to the eastern section of the front boundary and within the land to the rear. Those to the front may be affected by the proposed terraced dwellings. There is a 1.8m high fence along the rear boundary, a 1.2-1.4m high brick wall along the front and a part 2m fence/part 3-4m high hedge to the boundary with Nyton Barns.

Description Of Locality

The site forms part of an existing ribbon of medium sized dwellings set in spacious plots which are situated along the southern side of Nyton Road. To the north of Nyton Road in this location, the land is agricultural. A short distance to the east, both sides of the road have residential dwellings on them. To the south of the site, there is a large area of wooded land which in turn borders with an open area of grassed land. The area is considered to have a semi-rural character.

In terms of neighbouring properties, the dwelling to the east (The Old Stores) has a west facing

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principal elevation and therefore has front windows overlooking the site, albeit part screened by boundary tree planting. The dwelling to the west, Mill View (formerly Nyton Barns) has no first floor flank windows whilst any at ground floor are screened by their existing large hedge.

Planning Issues

The following issues have been identified for consideration.

Principle;
Design;
Neighbour Amenity;
Amenity Space Provision;
Bin Storage;
Affordable Housing;
Highways, Transport and Parking;
Sustainable Construction;
Flooding;
Barnham Special Consultation Area;
Protected Trees; and
Protected Species.

Relevant Planning History

PAA/142/15/	Erection of 8No. houses and 4No. flats with associated gardens, parking access and open space	Refuse Pre App 13-01-2016
AL/84/02/	Outline Application for detached dwelling (Resubmission following AL/25/02/).	Refused 06-12-2002 Appeal: Dismissed 04 06 2003
AL/93/02/	Outline application for one detached dwelling. (Departure from the Development Plan)	Refused 22-11-2002 Appeal: Dismissed 25 06 2003
AL/25/02/	Outline Application for 1 detached 2 bedroom cottage and single garage	Refused 10-05-2002 Appeal: Dismissed 04 06 2003
AL/88/01/	Detached house with integral garage. (Departure from the Development Plan)	Refused 24-01-2002

Comment On Site History

I have not looked back at the decisions listed in this section and so cannot comment on how they relate to the proposals. However, they are historic decisions and relate to a different development plan framework.

Relevant Policies - the following policies are considered relevant to your proposal:

Arun District Local Plan:	DEV17 GEN2	Affordable Housing Built-up Area Boundary
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GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
NPPG	National Planning Practice Guidance
ECSP1	C SP1 Countryside
EDDM1	D DM1 Aspects of Form and Design Quality
EDDM3	D DM3 External Space Standards
EDSP1	D SP1 Design
EECCSP2	ECC SP2 Energy and climate change mitigation
EENVDM4	ENV DM4 Protection of Trees
EENVDM5	ENV DM5 Development and Biodiversity
EHDM1	H DM1 Housing Mix
EHSP2	H SP2 Affordable Housing
ETSP1	T SP1 Transport and Development
ESDSP2	SD SP2 Built -Up Area Boundary
EWDM2	W DM2 Flood Risk
EWDM3	W DM3 Sustainable Urban Drainage Systems

Planning policy guidance NPPF National Planning Policy Framework

Supplementary Guidance: XXX6 Interim Affordable Housing Policy

Principle

The application site is just within the defined built up area as defined in the Arun District Local Plan (Nyton Barns to the west is outside of this designation). The National Planning Policy Framework (NPPF) supports effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Design

Planning Policies and Central Government Advice support the efficient and effective use of land. Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of, for example, layout.

Given that there are no elevations provided, I am only able to comment on the layout of the scheme. As that you are proposing to redevelop the entire plot and given that there is no real common building line/sense of character along this part of Nyton Road, I have no general objections to the layout proposed.

I did originally have concerns as to the side on to the road configuration of the terrace but I have since noted that there are existing dwellings side on to Nyton Road (Old Stores, Nightingale

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Cottage). However, the flank elevation fronting the road should not be plain or featureless. Use of attractive rural materials or window detailing will be important. Please also refer to the section below on external amenity space as this will inform the layout of the scheme.

Notwithstanding the above, in terms of scale, I consider that any new development should take account of its surroundings. Although the Old Stores property has 2 defined storeys, both Byfields and Mill View are considered to be 1.5 storey properties. Whilst I am open to an element of 2 storey within the scheme, I consider that the overriding scale of the new dwellings should be 1.5 storeys.

Neighbour Amenity

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (paragraph 17). Both the adopted Local Plan Policy GEN7 and the emerging Local Plan policy require that regard be had to the amenity & living conditions of neighbouring properties.

I have no immediate concerns as to the relationship of the proposed dwellings to existing properties. You achieve a sufficient interface distance of at least 20m to the front of Old Stores whilst there are no windows in the side of Mill View that could be affected by overlooking. Furthermore there is a good sized gap between Mill View and the closest proposed semi-detached dwelling such that there should be no impacts on the amount of sunlight enjoyed by Mill View. The shared access is also well away from the neighbouring property and so I do not consider that its increased use will be detrimental to their amenity.

Amenity Space Provision

The NPPF indicates that good design should contribute positively to making places better for people. It also encourages the creation of places, streets and spaces which meet the needs of people are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.

Policy GEN7 of the Arun District Local Plan further indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice.

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

The policy sets out a requirement that gardens should be at least 10m deep. This is in part to achieve a back-to-back interface distance of 20m but also to provide a usable space. This part of the standard could be relaxed if a garden was say 10m wide and/or if there was no/were no potential for there to be a dwelling to the rear. The policy also sets out an area requirement in respect of terraced properties of 50m² and in respect of small semi- or detached properties (3 beds max) of 85m².

I consider that none of the gardens within your scheme comply with either the area or depth standards. Therefore, should an application be submitted, it would attract a refusal reason under this policy.

Bin Storage

For all new residential development including flat conversions, the applicant must show bin

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storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. For flats, the communal/bulk bins can be used on the basis of 240 litres of residual waste storage/bin per flat. Alternatively one 240 litre wheelie bin for each property can be provided.

The same amount of storage space/bins for recyclable materials is required to be provided.

Where bin stores are adjacent to the access road serving the development or across a parking area there will need to be a road up to full highway standards and an indemnity provided for the Council's contractors to pass across servicing. The access of this type provided must be accessible/passable for collection schedules i.e. no parking or other obstruction.

The maximum pulling distances allowed under Health and Safety legislation are 10 metres 1100 litre bins and 50 meters for 240 litre bins.

It is recommended that if any communal provision is located near or adjacent to the highway, it will be suitably enclosed and landscaped so that the maximum pulling distances and vehicle access requirements are complied with.

It should be noted that Emerging Local Plan Policy D DM3 states that "External areas also need to include adequate space for recyclable and non-recyclable waste storage".

Affordable Housing

The following policy was approved by Full Council on the 18th of August 2010:

1) that the Council will seek affordable housing provision on new housing developments in accordance with the NPPF as detailed below; and

2) the following be adopted by way of guide figures for the purposes of negotiation, to be read in conjunction with Arun Local Plan Policy DEV17:

a) from developments of 15 or more units an affordable housing provision of 30% be sought across the board should be required of developments; and

b) from developments of 1-14 units an affordable housing provision of 15% be sought district wide, subject to further research to ensure this is financially viable.

Further in order to introduce a degree of certainty and transparency to discussions to discussions with developers it is also proposed to seek the introduction of a "capping clause" in S106 agreements regarding the value of land and property sold by a developer to a registered Social landlord. It is proposed that this will seek that the owner or developer makes an offer to a RSL which shall include:

a) sale of land contract;

b a Draft Transfer;

c) a price of 45% of open market value at time of offer.

The Council will apply its Affordable Housing Policy on developments of between 1 to 10 residential dwellings by normally seeking a commuted sum payable in lieu of on-site affordable housing.

The proposal would involve a net increase of 6 residential dwellings and would therefore be subject to the above-mentioned policy.

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The Council's Housing Strategy & Enabling Manager has made the following comments:

"The Council's Affordable Housing Policy requirements can be met for this application by way of a commuted sum payable in lieu of on-site affordable housing."

Based on the current dwelling mix and with reference to the table provided at: <http://www.arun.gov.uk/affordable-housing> (Barnham Ward row), I would advise that the contribution would be calculated on the basis of £1,876 x 4 and £1,656 x 3 but this would need to be discounted by the sum applicable for the existing dwelling and without knowing the number of bedrooms within Byfields, I am unable to confirm what the final figure would be.

Highways Transport And Parking

Planning policies allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians, and car parking. I am not able to consult with West Sussex County Council on pre-application enquiries and so I am unable to provide any comments on the new access. However, you can contact them yourself for pre-application advice:

http://www.westsussex.gov.uk/living/roads_and_transport/roads_and_footways/development_control_plans_and/development_control_for_roads/pre-application_advice_for_roa.aspx.

During our site visit, we discussed whether improvements could be made to the visibility splays for vehicles exiting the site particularly with regard to the view looking west. You will need to seek clarification from WSCC Highways as to whether this is likely to be an issue.

According to the West Sussex Parking Demand Calculator, the proposal would result in a total demand of 16 spaces (based on 2 allocated spaces per dwelling). You should also include some secure cycle parking within the curtilage.

Sustainable Construction

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Government's ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting a general minimal energy use, including Carbon Dioxide reduction.

Emerging Local Plan Policy ECC SP2 "Energy and Climate Change Mitigation" states that:

"All new residential and commercial development (including conversions, extensions and changes of use) will be expected to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the standards in the level of the Code for Sustainable Homes or appropriate BREEAM rating, applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels."

And that:

"In assessing the achievement of these standards the Council will consider:

- * Site constraints;
- * Technical viability;
- * Financial viability; and
- * Delivery of additional benefits."

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Please ensure that you have regard to this Policy if you prepare a planning application.

Flooding

Planning Policies and the National Planning Policy Framework require development not to give rise to an unacceptable risk of flooding detrimental to human health or property. There are requirements regarding the submission of a Flood Risk Assessment and Sequential test documentation. The relevant requirements for these are dependent upon the designated flood zone that the site is located within.

I note that Nyton Road and its edges are subject to Flood Zone 2/3 designations. I would have therefore said that the terraced dwelling proposed to be side on to the road may be affected by this designation. However, I also note that our Drainage Engineers have stated that the layout benefits from not placing properties in areas of Flood Zone 2 or 3 (see section below).

I would recommend that you check with the Environment Agency as to whether or not part of the proposal is affected by Flood Zone 2/3 as you may therefore be required to submit a Flood Risk Assessment.

Barnham Special Consultation Area

Due to specific flooding problems during the winter of 1993/94 in the Barnham area, a Barnham Rife Catchment Area was defined. Special development control consultation procedures with Southern Water services and the Environment Agency apply to this area. Recently there have been significant pollution problems associated with an inadequate foul sewer network which is unable to cope especially in times of high rainfall. In light of this, the Environment Agency is advising that proposals for new development should be resisted because they are likely to increase the pollution risk to local watercourses.

The Council's Drainage Engineers have made the following comments:

"Any proposed surface water drainage scheme will need to consider the use of sustainable drainage principles (SuDS).

SuDS Selection

The design will need to follow the hierarchy of preference for different types of surface water drainage systems as set out in Approved Document H of the Building Regulations and the Sustainable Urban Drainage System (SUDS) Manual produced by CIRIA. This means that the developer must first consider the discharge of surface water into an infiltration device (eg. soakaway, basin, swale, permeable paving etc) before considering any other method.

Infiltration Drainage Design

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 BRE 365, 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 30% 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 will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. Supplementary guidance notes are also enclosed for information.

A public sewer crosses the site to the south, Southern Water would need to be consulted

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regarding easements.

The submitted layout benefits from not placing properties in areas of Flood Zone 2/3.

Consideration needs to be given to future maintenance of the proposed surface water drainage system."

Protected Trees

Planning policies and the National Planning Policy Framework seek to protect the environment and avoid damage to protected trees. BS 5837:2005 "Trees in Relation to Construction - Recommendations" sets out appropriate standards.

The Councils Arboricultural Officer has made the following comments:

"The key here will be for the applicant to observe BS5837:2012 recommendations where there are trees which might have an impact on the development proposals and vice versa that a full tree survey is undertaken and an Arboricultural Impact Assessment prepared to include the Root Protection Areas of these trees and show this on a plan and then the report should detail how any potential adverse impact on the trees will be avoided and works undertaken outside of the RPA's and the shelterbelt screens fenced off with protective fencing - the Plans that they should be submitting are:-

- * Tree Survey & Constraints Plan - clearly showing the RPA's for all trees plotted accurately on a scaled plan base. This would also include trees not on site, but may have RPAs extending into the site.

- * Tree Retentions and Removals Plan - clearly showing which trees are to be retained and which will be removed.

- * Tree Protection Plan - clearly showing the positioning of protective fencing and including a specification for same. This protective fencing must be static and once installed prior to the development starting, should not be removed until all construction works has been completed. It must also meet the BS5837:2012 requirements for height and structural strength. Any construction work that has to be done in the RPAs should have all the relevant justification/mitigation. This method of mitigation that would be expected would be arboricultural supervision (from a qualified arborist), also correct use of equipment i.e. hand tools."

Please note that TPO Ref AL/1/15 covers a group of trees on the land to the immediate south of the site.

Protected Species

Development will need to avoid impacts on protected species on a site such as this, and where this is not possible, mitigation or compensation will be necessary. The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

If there is a possibility that a development proposal will impact on a protected species, surveys will need to be submitted with a planning application to determine the presence or absence of a protected species upfront with a planning application and will not be a condition of a planning permission if granted since their presence is a material consideration that will need to inform decisions. If planning permission is granted, a licence, a development licence or conservation licence, from Natural England may be required. All ecological surveys need to be undertaken by a suitably qualified ecologist and at the right time of year and for the right duration.

Other Considerations

I have also had regard to the internal space standards as set out in the Governments new

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Technical Housing Standards (Nationally Described Space Standard). We have been using these standards for some time for development management purposes and these have been subject to appeal decisions.

Due to the absence of floor plans, I am unable to compare the proposal with the requisite standards. Please therefore ensure that you have regard to the standards set out online(*) as otherwise your scheme may attract a refusal reason based on inadequate internal space.

* <http://planningguidance.communities.gov.uk/blog/guidance/housing-optional-technical-standards/internal-space-standards/>

Landscape Comments

The Council's Parks and Open Space Officers have made the following comments:

"Public Open Space

The Council's SPG guidelines apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". This requires that 2.4 hectares of open space (or six acres) are provided for every 1,000 people ie 24 square metres of open space per person. Developments of 7 dwellings or more are expected to provide open space on site. Developments of 14 dwellings or less are not required to provide a children's play area on site. However a commuted payment towards children's play equipment and/or informal recreation equipment will be sought. The commuted payment towards children's play facilities would be sought on the basis of £1,000 per dwelling on this development £7,000.

Landscape/Tree protection

Forming part of the application and prior to any consent being given a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting.

Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained particularly those adjoining the settlement boundary. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' Any removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the semi-rural setting.

I would recommend that all of the above points are addressed as part of a comprehensive and valid application and agreed before any decision can be considered."

Bin Storage

For all new residential development including flat conversions, the applicant must show bin storage/collection provision as follows:-

Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. For flats, the communal/bulk bins can be used on the basis of 240 litres of residual waste storage/bin

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per flat. Alternatively one 240 litre wheelie bin for each property can be provided.

The same amount of storage space/bins for recyclable materials is required to be provided.

Where bin stores are adjacent to the access road serving the development or across a parking area there will need to be a road up to full highway standards and an indemnity provided for the Council's contractors to pass across servicing. The access of this type provided must be accessible/passable for collection schedules i.e. no parking or other obstruction.

The maximum pulling distances allowed under Health and Safety legislation are 10 metres 1100 litre bins and 50 meters for 240 litre bins.

It is recommended that if any communal provision is located near or adjacent to the highway, it will be suitably enclosed and landscaped so that the maximum pulling distances and vehicle access requirements are complied with.

It should be noted that Emerging Local Plan Policy D DM3 states that "External areas also need to include adequate space for recyclable and non-recyclable waste storage".

Conclusion

Based on the above comments, I conclude that were an application for planning permission to be submitted that in its current form, it would likely be refused on the grounds of inadequate private amenity space and overdevelopment of the site. However, I have no in principal objections to the proposed redevelopment and I consider that a smaller scheme may be capable of attracting officer support.

Follow Up Meeting

If you require a follow up meeting to discuss this pre-application and advice, you will need to forward a written request together with a fee for £200 made payable to Arun District Council.

Making an Application

If you decide to proceed with making an application you will need to quote the reference number for this advice in the pre-application advice section of the relevant application form. This will ensure that the application receives priority and a speedy validation process.

You will also need to submit the following documentation/information:

Fully completed and signed Application Form with full description of the proposal;
Ownership Certificate and Agricultural Land Declaration;
Design and Access Statement;
Correct Fee;
Location Plan (1:1250);
Site/Block Plan (1:500);
Elevations (Proposed);
Floor Plans (Proposed); and
Roof Plans.

Additionally the following documents will need to be provided:

Please note that the Council introduced a new Local Validation Requirements List in July 2013 which you should refer to before submitting your application. Failure to provide the required documentation and to complete the Validation Checklist and the Biodiversity Checklist will result in the application being treated as incomplete and delay the validation of the planning

application.

Having looked though the Local Validation Requirements List, I would suggest that the following additional documents will be required:

Draft Section 106 Legal Agreement covering affordable housing and children's play contributions;
Flood Risk Assessment;
Foul and Surface Water Drainage Statement;
Landscaping Scheme;
Bin Storage and Collection Provision;
Parking Plan;
Planning Statement;
Street Scene;
Tree Survey and Arboricultural Report; and
Lidsey Foul Water Treatment Catchment Area Statement.

You should be aware that any advice given by the Council in relation to pre-application advice will be based on the case Officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future planning applications. Any views or opinions expressed are given without prejudice to the consideration by the Council of any formal planning application which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application, no guarantees can or will be given about the decision that will be made on any such application. Any further correspondence will be at the Case Officer's discretion depending on the nature of the further enquiry. It may be necessary to submit a further pre-application advice request. Please note this advice only relates to planning and does not relate to any other legislation which may or may not apply such as Building Regulations. You will need to carry out your own checks to determine whether any other consents or permissions are required.

I trust this is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'KARL', with a stylized flourish underneath.

Karl Roberts
Director Planning & Economic Regeneration