

ARUN DISTRICT COUNCIL			
No.	BN	27	09
Received			

Mr. P. Collins,
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CHICHESTER,
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PO19 7DN

Your Ref:

Our Ref: BN/27/09/

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11th February 2010

Please ask for:
Neil Crowther
Planning Department
Direct Line: (01903) 737839

Dear Mr. Collins,

Angel's Nursery, Barnham – BN/27/09

I write with reference to the above Planning Application. I am coming back to you on technical and principle matters following the submission and receipt of a number of consultation responses (which can be viewed on the Council's website). I have not yet received all the consultation responses but, as timescales are very tight in the absence of a Planning Performance Agreement (PPA), I thought I would come back to you at the earliest opportunity to allow you some time to address the issues.

As you have declined to enter into a (PPA) with the Council, any favourable recommendation that might be made needs a Committee Report completing by 12th March 2010 and all of these issues therefore, require your urgent attention if you are seeking to proceed with this Application. In the absence of these issues being satisfactorily resolved by this date, a refusal under delegated powers (subject to consultation responses) will be made.

In terms of clarification, your D&A Statement states that you are seeking approval for the number of dwellings proposed (100) but the Application relates to up to 100 dwellings. Can you confirm that you are (at this stage) seeking approval for up to 100 dwellings and not specifically 100 dwellings? And also, whether you are proposing 40 (40% of 100) affordable dwellings or up to 40? Your draft obligation suggests it will be 40 (40%) and not up to 40.

Matters of Principle

It is acknowledged that the Development Plan level of the South East Plan would generally support the proposals in principle. The proposals would be considered contrary to the Strategy in the Local Plan and, at this stage (and not wishing to second guess the Committee); I would imagine the Council would be consistent in its decision making. There are two matters of principle that I would request your further comments on.

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The first matter relates to the work to-date on the Gypsy & Traveller evidence. As you know, the Council have taken the decision that this site should be considered for up to nine pitches for Gypsy & Travellers.

Both PPS3 (Para. 21) and the Good Practice Guide (Para. 3.7) support consideration of this issue and, whilst it is acknowledged that no weight can yet be afforded to the Council's DPD preparation, these two documents are material considerations. In accordance with the guidance, the Council would accept a reduced element of affordable housing if this provision is included within the proposals. Your comments on this issue are requested.

I would advise that such provision would be likely to be considered as a benefit to the merits of the proposals.

The second relates to why the scheme makes no provision for employment/commercial space as part of a mixed use scheme, which the SE Plan (and numerous other policy guidance/statements) would promote. The Council would accept that, if employment provision was not provided on site, an off site contribution was made to assist in bringing forward the employment site at Oldlands Farm, Bognor Regis. This would contribute towards sustainable development (in accordance with the SE Plan) and seek to prevent the development from merely becoming a commuter site for people working in Chichester.

The site also has a lawful employment use and this would be lost should the Application proceed favourably.

There are likely to be a number of piecemeal applications in the Barnham/Yapton/Westergate area submitted in the near future and these will cumulatively have a significant negative impact on sustainability in the absence of a mix of uses and infrastructure. They can not therefore, be considered in isolation as this would be to the detriment of the District.

Technical Matters

In the first instance, it is acknowledged that the proposed layouts are indicative. However, the Application is seeking a maximum number of units and, if the Council does not have the evidence to demonstrate that this number of dwellings could be acceptably accommodated, then there is no way that the Application could be approved in this form. Therefore, it is important that those technical matters that have an influence on the potential developable area are resolved at Outline stage.

For the reasons set out below, the Council considers that there is a significant amount of work still required in order to demonstrate that 'up to 100 dwellings' can be satisfactorily accommodated on the Application Site and it would appear, at this stage, that there is every chance that 100 dwellings can not be achieved. Para. 103 of your D&A Statement states that the developable area has been determined after consideration of on-site constraints (and tree and hedgerow retention) but nowhere is this demonstrated nor is confirmation of this able to be obtained from the submission documents.

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Trees

The first thing to say about the Arboricultural Report is that it is far from user friendly and there are a lot of gaps in the survey work. The Council will require a more detailed document and a document that allows comparison of accurate information against the proposals.

The Tree Constraint Plan is not on an OS base. The survey needs to accurately plot the trees on the site and then plot the Root Protection Areas (RPA's) of those trees on an OS plan which is to scale. The plan attached to the report is also very different to that emailed to me on 1st February 2010 but neither is sufficient. At this stage, it is impossible to accurately assess the indicative layouts against the existing trees on the site (to consider what is proposed to be retained and what the developable areas are after retention) and there are some very important trees on the site that should be retained in any proposals.

Can you confirm which trees are proposed to be retained in your indicative layouts you have submitted? All that is apparent from the indicative layouts is the existing boundary treatment on the south and east boundary and the two Oak trees within the proposed open space (T15 and T16). However, the absence of RPA does not allow the Council to confirm that the layouts ensure these remain. Any such vegetation to be retained must be suitably protected for the development work by appropriate fencing. This will need to be identified on a plan.

The western boundary landscaping appears differently on each of the three indicative layouts without annotation and no northern boundary landscaping is shown - this must be included. There is also no indication of any other trees or hedgerows within the site being retained. The Council consider that the Group T18-23 should be retained as part of any layout and acknowledge that this has a significant impact on potential layouts and developable areas. However, these are mature and highly prominent trees with no significant defects.

In addition, the row of smaller Oaks between T18-G17 have potential to be important trees and these could either be retained in-situ or trans-located as part of a landscaping scheme.

Some trees on site are not surveyed. There are a number of trees that are not included in the report and there is no explanation as to why. For example, there is a row of young Oaks mentioned above and a Horse Chestnut near T18 that are not included in the survey. These need to be surveyed.

It appears that the whole of the eastern most parcel of land has been excluded from the report. There are trees in this area of land that have not been surveyed. We were able to get into this area of land and look at them when we visited the site.

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Some trees (T19 – T23) are incorrectly identified and there is some concern, following our Site Visit, about the accuracy of some diameter at breast height (dbh) measurements and I would ask that these are checked to ensure that RPA's are also accurate.

Ecology

The submitted survey acknowledges that a further Reptile Survey is required. And that the Badger Survey was inconclusive so a further Badger Survey is also required. These would be pre-conditions on any Planning Permission and should be carried out in accordance with Natural England's Standing Advice. They should also include a mitigation strategy.

I would advise that, should this Application be withdrawn or refused, these further protected species surveys be prepared to accompany any re-submission as the requisite survey seasons would allow this.

It is noted that the Survey concludes that the site is a suitable habitat for Reptiles and that the hedgerows provide excellent hibernation site for Reptiles. The report recommends that these are enhanced in terms of species and quality. However, it is not clear which hedgerows are being referred to and if it is the Applicants' intention to retain these hedgerows and exclude them from development within any indicative layout. As they are of ecological value, I would strongly advise that they are retained and the indicative layouts reflect this and to demonstrate enhancement in accordance with SE Plan Policy NMR5.

The report recommends habitat management and that bat and bird boxes are installed on mature trees. However, we do not know from the submission (other than two Oaks) which trees are proposed to be retained and therefore, whether this can be achieved.

Flood Risk & Drainage

Foul drainage proposals are acceptable in principle, but available sewers may not be adequate. The comments of Southern Water are awaited.

Surface Water Drainage; the Applicant proposes to connect to the public sewer, but there are no public surface water sewers in the vicinity of the Application Site. An alternative method of surface water disposal is required to be submitted.

The Environment Agency has objected on the basis of an insufficient FRA not being compliant with PPS25. I would refer you to their comments on the Council's website and strongly recommend discussing their comments directly with them.

The submitted documents recommend the use of SUDS but do not go into any detail as to which measures are recommended. Any pond/swales will have an impact on a layout and the potential developable areas and the Council need to know at the Outline stage (as a maximum number of dwellings is applied for) what measures are being proposed and what impact this has on land take and layout.

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The Flood Risk Assessment (Section 7B) states that and any pond that may be required for additional storage could be the children's play area. Any pond/swale would need to be a stand alone feature and the children's play area should be useable even in wet conditions (with children's safety in mind as well). Again, these features need to be built into the indicative layout to consider the maximum housing numbers in the application.

Open Space

The Council has adopted SPG in respect of Open Space requirements. While this is in the process of being updated, it remains adopted SPG for the time being. For a scheme of 100 dwellings, two Locally Equipped Areas of Play (LEAP) would be required. For a typical scheme of 100 dwellings, provision of these facilities off site would equate to approximately £1000/dwelling. It is acknowledged that it makes sense to provide these facilities on the adjoining site and that the provision of a Local Area of Play (LAP) (minimum 100 sq.m.) in your indicative layouts can be subtracted from this obligation.

With provision of LEAP's on the adjoining site, it is considered that the LAP should be more centrally located in the indicative layouts so that the use is principally from residents of the proposed scheme where every proposed dwelling has good access to it.

On site amenity open space is considered acceptable and this may well be increased with the retention of more trees.

Other Matters

I have yet to hear from West Sussex County Council, the Parish Council, Southern Water or the West Sussex Primary Care Trust and I will forward any further issues that may arise as a result of their consultation responses when they are received.

As you can see, there is a vast amount of additional work and points of clarification required (and re-consultation) before the Council is in a position to make a favourable recommendation and, as I mentioned at the start of this letter, these issues and information all need resolution before 12th March 2010.

You might consider that the removal of numbers from the description would assist and I would agree to a certain extent as a number of the technical issues could more easily be reserved. However, one matter that could not be reserved is the drainage (foul and surface water) issue which would need to be addressed at Outline Stage as it is a matter that determines whether the site is suitable for the proposed use. I will provide the comments of Southern Water when these are received.

Yours sincerely

Neil Crowther
Strategic Development Planner

