

DECISION NOTICE

Application Ref: AL/50/24/RES

1 **To Addressee**

SLR Consulting
Mountbatten House
1 Grosvenor Square
Southampton
SO15 2JU

2 **Site Address**

Land to the rear of Meadow Way
Westergate

3 **Description of Development**

Reserved matters application for the appearance, landscaping, layout and scale (pursuant to outline permission AL/178/22/OUT) for the construction of up to 89 residential dwellings, open space, and associated works. This application is in CIL zone 3 and is CIL liable as new dwellings.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 By reference to the clustering of affordable housing along the southern edge of the site, the failure to ensure a sufficient off-set distance between important offsite trees and plots 38 & 46-48, the failure to provide an appropriate location/amount/detail of play areas and useable Public Open Spaces, the failure to properly accommodate tree planting within the layout, the failure to provide sufficient accessible parking provision, the failure to provide sufficiently sized parking spaces, the failure to ensure all dwellings have a sufficient depth of rear garden, the failure to provide the flatted building with sufficient communal space, the failure to ensure sufficient interface distances between new dwellings, the failure to create distinctive character areas within the development; the location of the substation in the main streetscene and having regard to the inappropriate scale of the flatted building in relation to the streetscene & the character of the area, the proposal does not achieve a high standard of design quality and represents an overdevelopment of the site in conflict with Arun Local Plan policies OSR DM1, D SP1, D DM1, ENV DM4, T DM1, QE SP1; Aldingbourne Neighbourhood Development Plan policies H3, H4, H8, EH6, GA3, Arun's "Open Space, Playing Pitches, Indoor and Built Sports Facilities" SPD, the Arun Design Guide SPD, the Arun Parking Standards SPD, and the NPPF.
- 2 Insufficient information has been provided to adequately demonstrate that the proposed layout is appropriate for the requirements of pedestrians and cyclists which may result in conflicts with vehicles. The proposal is in conflict with Arun Local Plan policies T SP1 & T DM1, Aldingbourne

Neighbourhood Development Plan policy GA1 and the NPPF.

- 3 Insufficient information has been submitted to show that the proposed number of units, the landscaping, and the layout are implementable without detrimentally impacting surface water drainage on and off the site. The submitted Drainage Statement does not meet the stated design requirements. The proposal conflicts with Arun Local Plan policy W DM3, ANDP policy EH5, West Sussex Surface Water Design Guidance, the NPPF and the associated PPG on Flood Risk.
- 4 Insufficient information has been provided to comply with the requirements of outline condition numbers 4 (lighting on homes, lighting in relation to bats, biodiversity gain, hedgehog holes in fences, amount & distribution of Public Open Space), and 5 (proposed Electric Vehicle Charging Point specifications) and the proposal is therefore in conflict with Arun Local Plan policies ENV DM5, OSR DM1, QE DM3, Arun's "Open Space, Playing Pitches, Indoor and Built Sports Facilities" SPD, and the NPPF.

INFORMATIVE: Section 1.3 of the Second Schedule, Part 1, states "To ensure that all the Affordable Housing Units are built "tenure blind" in respect of external design and features so that they are broadly materially indistinguishable from the Market Housing". Given the flatted building is entirely within the affordable housing tenure and that all of the affordable dwellings are house types not found in the market tenure, there is conflict with this stipulation and it may therefore, be necessary to seek a Deed of Variation Agreement if the current scheme is pursued.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **14th August 2024**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

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

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 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, and you want to appeal against this planning application decision, 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 you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

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).