

Application for Outline Consent

DECISION NOTICE

Application Ref: BE/148/20/OUT

1 To Addressee

Barton Willmore LLP
7 Soho Square
London
W1D 3QB

2 Site Address

Nursery Fields
Land to the North of Chalcraft Lane
West Bersted
PO21 5TS

3 Description of Development

Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.

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 Due to insufficient information, in the form of a relevant Transport Assessment to address off-site capacity requirements related to the strategic allocation and the local road network, and due to a failure to demonstrate through an effective Transport Assessment that the transport effects of the development on the local highway network can be satisfactorily mitigated, the applicant has failed to demonstrate that the proposed development would not result in a severe cumulative residual impact on the road network, contrary to paragraph 109 of the National Planning Policy Framework and Arun Local Plan policies H SP2(k) and T SP1(e). In addition, the application fails to sufficiently encourage the use of sustainable modes of transport, contrary to paragraphs 102 and 108 of the National Planning Policy Framework and Arun Local Plan policies T SP1, T DM1 and H SP2.
- 2 In the absence of a completed S106 legal agreement, the application fails to secure a developer contribution towards the agreed strategic approach to access management at Pagham Harbour, contrary to the requirements of Arun Local Plan policy ENV DM2 (i). In the absence of this mitigation measure there would be an Adverse Effect on the integrity of an Internationally designated conservation site, contrary to policies H SP2a and ENV DM2 of the Arun Local Plan and the relevant legislation, the Conservation of Habitats and Species Regulations (2019, as amended).

- 3 In the absence of a completed Section 106 legal agreement, the application fails to secure affordable housing provision, self-build plot provision, infrastructure contributions towards play, social, leisure and sports facilities, healthcare, education, fire & rescue services and police, and the transport mitigation package, necessary to support development. The application therefore fails to comply with Arun Local Plan policies INF SP1, AH SP2, H SP2, H SP2a, D SP1, D DM1, policy HDQ4 of the Bersted Neighbourhood Development Plan and Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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: Ms Myer

Decision Issued: **1st April 2021**

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).