

Application for Outline Consent

DECISION NOTICE

Application Ref: WA/68/20/OUT

1 To Addressee

Henry Adams
Rowan House
Baffins Lane
Chichester
West Sussex
PO19 1UA

2 Site Address

Land west of Tye Lane
Walberton

3 Description of Development

Outline application with all matters reserved, other than means of access, for the construction of up to 155 No. dwellings (30% affordable homes) & amendment to boundary of garden land to serve adjoining property. This application affects the character & appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings & is a Departure from the Development Plan.

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 Insufficient information has been submitted identifying the potential impacts of the development on the strategic road network. The Transport Assessment needs updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The preferred route for the A27 Arundel Bypass: the Grey Option 5BV1 route would be constructed in close proximity to the north of the proposed development, which would have the effect of stopping up Tye Lane to the north of the development. The Fontwell West roundabout is already over capacity as it is severely impacted by traffic in the peak periods and accordingly any additional traffic on top of already severe conditions are in themselves classed as severe. The applicant has not demonstrated that their impacts on the A27 are mitigated to a NIL detriment. Consequently, insufficient information has been submitted to determine whether or not the proposal complies with Policy T SP1 of the Local Plan and the National Planning Policy Framework.
- 2 The Walberton Neighbourhood Development Plan review, which is proposing alternative sites to meet their housing requirements under the current adopted local plan, is now at regulation 16 stage and due for examination on 25 January 2021. There is a consequent risk of prematurity in

determining this application which could prejudice the outcome of the examination into the NDP which is to form part of the statutory Development Plan.

- 3 Insufficient information has been submitted to demonstrate that the proposed development would provide a high quality development with a sense of place and permeable layout including an emergency vehicle' access and a cycleway / footway link southwards to The Street via North Pound, to make the site more accessible from the village centre contrary to Policy D DM1, Policy T DM1 of the Arun Local Plan, Policy HP13 and Policy GA2 of the Walberton Neighbourhood Plan and the National Planning Policy Framework.
- 4 There appears to be a lack of permeability and opportunities for movement around the individual clusters of housing on the Concept Masterplan and for the provision of Green Infrastructure, especially around the north western corner of the site. Consequently, the LPA is not satisfied that 155 dwellings could be accommodated on this site. The quantum of development on this site would have a detrimental impact upon the character of the site and the surrounding area, contrary to Policy D DM1 of the Arun Local Plan, Policy HP13 of the Walberton Neighbourhood Plan and the National Planning Policy Framework.
- 5 Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme in the Concept Masterplan. Further groundwater monitoring over a full winter period is required. Even if infiltration is ruled out groundwater monitoring is required to inform design of attenuation features including flotation resistance measures. The adverse impact arising from the failure to achieve high quality design by incorporating surface water drainage in the Concept Masterplan is unacceptable and it is contrary to Policy W DM3 of the Local Plan and Policy VE7 of the Walberton Neighbourhood Plan and the National Planning Policy Framework.
- 6 The site is located in a Mineral Safeguarding Area for Sharp Sand and Gravel and the applicant has failed to conduct a detailed assessment of the deposits within the site and their potential uses within the site or by nearby operations. Consequently, the applicant has not satisfied the LPA and MWPA that there is an overriding need for the non-mineral development that outweighs the safeguarded sand and gravel resources. Consequently, there is insufficient information to confirm whether or not the proposal complies with Policy M9 of the Joint West Sussex Minerals Local Plan in relation to mineral safeguarding.
- 7 The site is located in Grade 1 Agricultural Land and the applicant has failed to submit an Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal, which needs to demonstrate that care would be taken to preserve the soil resource, such that it could be incorporated into a productive green environment following development. Consequently, there is currently insufficient information to determine whether or not the proposal complies with Policy SO DM1 of the Local Plan and the National Planning Policy Framework.
- 8 Insufficient information has been submitted regarding a badger survey and Great Crested Newt survey to determine whether or not the proposal complies with Policy ENV DM5 of the Local Plan. The badger survey and the Great Crested Newt survey are required to be carried out and mitigation measures drawn up and agreed prior to the determination of this outline planning application. The lack of surveys and mitigation strategies in relation to the impact on protected species and the potential for the proposed development to protect existing habitats where possible is unacceptable, and is contrary to Policy ENV DM5 of the Local Plan and the National Planning Policy Framework.

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.



Neil Crowther
Group Head of Planning

Case Officer: Michael Eastham

Decision Issued: **12th January 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).