ARUN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

DECISION NOTICE

Application Ref: Y/37/07/

1 **To Addressee**

Planning Potential
Palace House
3 Cathedral Street
London
SE1 9DE

2 **Site Address**

Yapton Industrial Estate
Bilsham Road
Yapton

3 **Description of Development**

Demolition and removal of existing industrial units and other on site buildings and construction of 59 residential dwellings and associated roads, garages and landscaping. (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 plan for the reasons stated.

REASON 1 The site lies in a rural area and the proposal being unrelated to the needs of agriculture, forestry, receatiion, the extraction of minerals or disposal if waste conflicts with policies LOC2 of the West Sussex Structure Plan and GEN2, GEN3 of the Arun District Local Plan which seeks to protect the countryside and ensure that the amount of land taken for development is kept to a mininum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.

REASON 2 The proposal is considered to be of poor design by reason of the significant number of units, resultant cramped layout, extensive hardsurfaced areas, poor regimented layout design and monotonous detailed aesthetic design of units. The scale of units on plots 8-9, 10 and 15-16 is further considered to give rise to visually obstrusive development seen from Bilsham Lane. It vwould therefore be in conflict with policies LOC2, DEV1 and CH1 of West Sussex Structure Plan and GEN2, GEN3 and GEN7 OF the Arun District Local Plan.

REASON 3 The Local Planning Authority is not satisfied that loss of employment accommodation is justified and considers that sufficient employment land needs to be retained and made available to provide for economic growth and opportunities of jobs locally. The proposal therefore conflicts with Policy NE5 of the West Sussex Structure Plan and policies RE2, RE5 and SCT3 of the draft South East Plan.

REASON 4 The submitted Flood Risk Assessment fails to cover the potential flooding risk from groundwater. The proposal is considered contrary to policies DEV1 ERA4 of the West Sussex Structure Plan and GEN7 GEN9 of the Arun District Local Plan.

REASON 5 The proposed development generates a need for public open space to meet the needs of the development. Insufficient space has been alocated satisfactorily and no commuted sum contribution has been provided as part of the application. The development therefore conflicts with Policy GEN20 of Arun District local Plan.

REASON 6 The development proposed generates a need for public infrastructure in the form of affordable housing housing. No section 106 agreement has been provided for affordable housing. The development therefore is contrary to the policy adopted by Arun district Council on 21 February 2007 to seek affordable housing on all schemes over 15 units taking into account as a material consideration of significant weight Policy DEV17, paragraphs 2, 3, and 4 (excluding first sentence), Planning Policy Statement 3 Housing whereby Councils are encouraged to seek by way of a section 106 agreement a contribution and provision towards providing affordable housing and taking into account evidence obtained by the Council on housing need in the District and on the economic viability of seeking 106 contributions for affordable housing schemes taking into account land values in the District.

REASON 7 The development proposed generates a need for public infrastucture in the form of school, fire and library contributions which cannot be met in the locality. No contribution has been provided as part of the application. The proposal therefore conflicts with Policies DEV3 of the West Sussex Structure Plan and GEN8 of Arun District Local Plan.

REASON 8 The proposed access visibility to the site does not appear to meet recognised highway standards and it is considered that the substandard access will give rise to hazards to the user of the public highway detrimental to highway safety. The measures put forward by the Safety Audit are not considered to address this issue. Therefore the development proposals does not accord with policies DEV4 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan. .

REASON 9 The proposed use is unacceptable in that it does not represent a sustainable development in highway terms as the site is outside the built-up area boundary and it is not readily accessible by means of transport other than by private car, with regard to access to facilities, including employment. It therefore conflicts with policies LOC2, DEV1, and CH1 of the West Sussex Structure plan and GEN2, GEN3 and GEN7 of the Arun District Local Plan.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr J Parsons

Date of Decision: 20th December 2007

Date Decision Issued: 20th December 2007

Howard Cheadle

Howard Cheadle
Head of Planning & Housing Strategy

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

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 First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

If either the local planning authority or the First 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.