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PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	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 Development Plan). Yapton Industrial Estate, Bilsham Road, Yapton.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is a Full Application for 59 dwellings with associated roads, garages and landscaping. The proposal involves the demolition of a series of buildings in Industrial use. The proposals involve a mix of two, three and four bedroomed houses, 12 no. two bedroomed dwellings, 23 no. three bedroomed dwellings and 24 no. four bedroomed dwellings. Open space consists of one Locally Equipped Area Play Space and four Local Area Play Spaces. The development will utilise the existing site access point to/from Bilsham Road. The access will be improved with greater visibility splays. Accompanying the application are the following documents:- (1) Planning Statement; (2) Design and Access Statement; (3) Arboricultural Survey; (4) Flood Risk Assessment; (5) Transport Assessment; (6) Eco Homes Preliminaries Report; (7) Ecology Report; (8) Site Appraisal Report.
SITE AREA	1.7 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	35 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Mixture of native and non-native trees along boundaries of site
BOUNDARY TREATMENT	Substantial vegetation along south and western boundary, intermittent vegetation screen along western boundary, open boundary with dwellings on Graham Road.

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THE SITE AND ITS SURROUNDINGS

SITE CHARACTERISTICS	The site comprises a small industrial estate, comprising low-key industrial uses, a residential caravan a small paddock and a stable.
CHARACTER OF LOCALITY	The site is located on the southern edge of Yapton Village. To the north lies a two storey development of Graham Road. To the west lies a public house, Lamb Inn and some further residential development.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Y/12/86	Extensions alterations refurbishment and Change of Use of Builders/Workshops and Stores to Light Industry.	Approved Conditionally 26th August 1987
Y/65/89	Construction of additional Light Industrial Starter Unit off existing foundations.	Approved Conditionally 28th February 1990
Y/47/92	Construction of additional Light Industrial Starter Unit off existing foundations.	Refused 10th February 1993
Y/25/93	Proposed Change of Use of Industrial Building to Retail Sales of Aquatic Supplies.	Refused 10th January 1994
Y/26/93	Retention of Portable Unit for use as Ancillary Offices (for Industrial Unit 14) for a temporary period of two years.	Approved Conditionally 2nd November 1993
Y/50/93/CLE	Application for Certificate of Lawfulness for existing use of one no. Residential Caravan.	Approve 28th June 1994

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Ford Parish Council	Objection due to: 1. Loss of local business and employment. 2. A substantial increase in traffic congestion and road accidents, particularly at Comet Corner. 3. An expected increase of 170 traffic movements per day, on the assumption that the 59 dwellings would each have 1.45 cars and make two journeys a day.
Middleton-on-Sea Parish Council	Objection on the grounds that: 1. The site has not been identified in the West Sussex County Structure Plan and the Local Plan for

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	development. 2. A large part of the site is Greenfield and as such should be protected. 3. The site requires Wildlife Protection. 4. The development will create a Village outside of the Village and will have an undesirable impact on the character of the rural landscape. 5. The development will generate a substantial increase in traffic movements, particularly at Comet Corner.
Yapton Parish Council	Objection on the grounds that: 1. The site is not identified in the West Sussex County Council Structure Plan for residential development. 2. The site is outside the development area and does not accord with the Local Plan (Policy GEN2). 3. There are highway issues associated with the site (Policy GEN4). 4. The site is a low lying area and is prone to flooding, (Policy GEN11). 5. The development would have an adverse impact on nature conservation in the locality, (Policy GEN29). 6. The proposed development would have an unacceptable impact on the character of the rural landscape, (Policy GEN3/GEN27).
LOCAL GROUPS	
Joint Downland Area Committee and the Downland County Local Committee	Objection on the grounds that: 1. The majority of the site is Greenfield and lies outside of the Built-Up Area Boundary. 2. No overriding need has been demonstrated to depart from the Development Plan. 3. Additional houses would move the development away from the settlement itself. 4. It is a departure from the traditional rural character of the Village and is not sympathetic to the local street scene. 5. The site is a valuable Wildlife habitat. 6. The development would result in local unemployment. 7. Road safety analysis for the proposal is lacking.
Residents of Burndell Road, Yapton	The roads within Yapton and exits to the A259 are no longer capable of sustaining any more rural land released for

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	development. There are concerns with respect to the increased traffic generated by the development on local roads, particularly Burndell Road, (B2233).
Campaign to Protect Rural England	Objection on the grounds that: 1. The site conflicts with LOC2 of the West Sussex Structure Plan and GEN2 and GEN3 of Arun District Council's policy. 2. The proposal would worsen traffic congestion and increase the likelihood of accidents. 3. There are no proposals for the protection or relocation of the current businesses. 4. The development may set a precedent for similar future development. There is suggestion that upon rejection of the proposal the site should be reinstated as a rural amenity.
Bognor Regis Civic Society	Object on highway grounds, due to the likely increase in traffic congestion and the hazardous risk associated with such an increase.
64 Letters of Objection including a detailed Petition on behalf of the Local Residents.	- Conflicts with Policy DEV3, CH1, NE1, NE5, NE17 and LOC2 of the West Sussex Structure Plan. - Conflicts with Policies GEN1, GEN2, GEN3, GEN4, GEN5, GEN7, GEN8, GEN9, GEN18, GEN27, GEN29, GEN30, GEN32, GEN33, AREA11 and DEV2 of Arun District Council's Local Plan. - Conflicts with Policy SCT3 of the South East Plan. - The proposal is outside of the Built-Up Area Boundary and as such extends the Village into the Countryside reducing the gap between Yapton and Bilsham. - The site is considered to be in a rural setting where Countryside Policies of Restraint are applicable supported by PPS3. - The area is a predominantly Greenfield site. - The proposal would harm the rural character and appearance of the Countryside. - The proposal conflicts with the Development Plan as the land is not earmarked for residential use. - The recent approval of Site 6 will provide numerous houses in the area. - The development will set a precedent for future development

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	of unsustainable housing projects. - The proposal is a vast overdevelopment on what is a largely undeveloped site. - Burndell Road development suggests newly developed houses have not sold quickly in the Village. - The proposed properties appear cramped within the plot and detract from the character and appearance of the properties in the local area. - The generic townhouse style of the proposed development is considered entirely out-of-keeping and harmful to the current traditional rural aspect, character and appearance of the Countryside. - The development would alter the appearance of the gateway into Yapton. - The proposal will increase traffic along already congested roads, particularly along the Bilsham Road in Yapton Village and on 'Comet Corner' (B2132 Junction with A259). - The site is on the corner of a busy road and as such access to and from the site is hazardous as visibility is inadequate. It is claimed that a development on the opposite side of Bilsham Road was refused Planning Permission on the grounds that access to the B2132 was unfeasible given the amount of traffic using the road. - An increase in traffic is considered hazardous at Comet Corner, Hobbs Farm and along the Bilsham bends. Accidents are common in the vicinity and there have been fatalities. Traffic lights will need to be provided at such locations. - Graham Road to the north-east of the site may be used or possibly linked to the proposed development. - Increased development in the Village may result in a further increase in cars and vans parking on the pavements in the Village preventing pedestrian access. - Public footpaths from The Lamb Inn through Bilsham Corner on the B2132 are inadequate for the new development. - The provision of public transport is not adequate for the development. - The Village infrastructure cannot cope with the scale of the development. - The area suffers from poor water drainage and flooding as the area to the south of Yapton lies on a flood plain and the water

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	table is high. - The development would put pressure on local services such as roads, schools; particularly the primary school, shops and doctors. There is inadequate mention of how such amenities/ facilities would be supported by developers. - The development will result in a loss of local businesses and subsequent employment, affecting approximately 20-25 people. - The provision of the local businesses currently occupying the site are vital in keeping the diversity of opportunity open to the working population of this area. - There is insufficient evidence to suggest that the commercial use of the site is no longer viable. It is suggested that such evidence be sought. - The businesses currently occupying the site intend to expand and will struggle to find alternative premises locally. - The cost of business relocation would be high. - The site would be of greater benefit to the community revitalised as an Industrial Estate providing more jobs for local people, therefore reducing the amount of commuting by car to work in a Village with inadequate public transport. - Employees of businesses on the site walk to work each day and do not have means of transport. - The development would threaten Wildlife inhabiting the site such as Buzzards, Barn Owls, Merlins and Yellow Hammers, Slow Worms, Foxes, Pheasants and Bats. - The development is considered to be detrimental to existing habitats between the A259 and the A27. - An Ecological Survey undertaken at the site occurred approximately two months after it was bulldozed and does not take into account its Wildlife value. - Provisions of water to the site may be inadequate as the area has been prone to hosepipe bans over the last fifteen years. - The capacity of local sewerage and drainage is questionable with a large increase in development. - The development will have an overbearing impact on the houses to the north-east of the site. - The site could contain items of archaeological interest. - The development will increase noise and crime within the area.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Sussex Police	The location is a medium risk area. The cul-de-sac layout creates 'defensible space', encouraging self-policing. Parking is within view of the dwellings and the proposal benefits from traffic calming measures. The fenced/gated play areas provide 'natural surveillance'. Two suggestions are made: 1. The creation of a "psychological barrier" at the mouth of development, consisting of two brick piers with the name of the development thereon. 2. A change of road surface defined by a line of granite setts to define semi-private space and deters trespass.
Environmental Health	Potential for land contamination from previous Industrial Site. It is suggested that ENV 3-6 should be imposed.
Planning Policy Team Arun District Council	The site lies outside the Built-Up Area Boundary of Yapton and is considered Countryside in Planning Policy terms. The proposal would result in the loss of commercial premises and reduce opportunity for small scale local businesses to locate outside of the main urban areas of Arun, within easy reach of the potential workforce and consumers. The Assessment Employment Needs Study 2005 has identified a requirement for the provision of 40,000 sq.m. (approximate) employee floorspace (B1-B8) to serve rural areas of Arun. The loss of such floorspace at this site would prove detrimental to the overall supply in the district. It is considered that there is a need to retain existing employment sites, unless it can be demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for Industrial/Commercial purposes. The LDF is considered to be the most appropriate vehicle for determining the scale, location and form of new housing development. Paragraph 2.4 of the Planning Statement states that 30% of the proposed development would be affordable housing. Arun District's Full Council Meeting resolved that from 1st April 2007 40% affordable housing be sought from developments of 25 dwellings or more. No evidence has been submitted with this application to demonstrate that 40% affordable housing is not achievable. Rural exceptions housing under Policy DEV18 is required to be 100% affordable tenures in perpetuity and the proposal does not meet this requirement. There is a Policy Objection on the grounds of inappropriate

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	development in the Countryside, (GEN3) and loss of an employment site (WSSP Policy NE5).
Head of Planning Services, West Sussex County Council	West Sussex County Council raises strategic Planning objection to the proposal because of the conflict with the following Policies of the adopted West Sussex Structure Plan 2001 - 2016: 1. LOC2: which restricts development outside Built-Up Area Boundaries to uses which need and are compatible with such a location; and 2. NE1: because the land is not allocated in any Local Plan or otherwise identified by the Local Planning Authority for residential use and the proposal would not constitute infilling or redevelopment within an existing built-up area.
Archaeological Evidence	The Application Site lies on the West Sussex Coastal Plain which has produced a wealth of evidence of past settlement and farming activity particularly from the later Prehistoric and Roman periods. It is considered that the cultural heritage implications of the proposals have not been addressed. It is recommended that a field evaluation should be undertaken prior to the determination of the application.
Environment Agency	Objection on the grounds that: 1. There is insufficient information to demonstrate that the risk of pollution to Controlled Waters is acceptable. 2. The submitted Flood Risk Assessment (FRA) fails to cover the potential flood risk from the groundwater. In subsequent response dated 22nd August 2007 Environment Agency has withdrawn their objections relating to risk of pollution to controlled waters.
Southern Water	Southern Water can provide foul sewerage disposal to service the proposed development; however, there are no public surface sewers in the area to serve the development.
West Sussex County Council - Highways and Transport Services	The Highway Authority recommend the application for refusal due to the lack of the following: 1. The plans and report must be amended to illustrate the required amendments as outlined. 2. A seven day loop survey required to record vehicles' speeds; thus enabling the appropriate level of visibility requirements to be established.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	3. There is no safety audit to be carried out in association with development which exceed 10 units. 4. The application does not include a Travel Plan and other sustainable transportation measures. Since these initial comments, further information including a Safety Audit have been submitted but such information is still not considered to overcome highway objections ~~detailing~~ relating to access and sustainable transportation measures.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Outside Built-up Area Boundary Class 'B' Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC2, NE1, NE3, NE5, NE13, CH1, ERA1, ERA2, ERA4, ERA5 , DEV1
Draft South East Plan : RE2, RE5, SCT3
Arun District Local Plan : GEN3, GEN7, GEN8, GEN9, GEN11, GEN12, GEN18, GEN20, GEN28, GEN32, DEV17

PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development
PPS 3 - Housing
PPG 4 - Industrial and Commercial Development
PPS 7 - Sustainable Development in Rural Areas
PPG 13 - Transport
PPS 23 - Planning and Pollution Control
PPS 24 - Planning and Noise Control
PPS 25 - Development and Flood Risk
Attains Employment Study

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

PPS3 published in November 2006 introduced a National Indicative Threshold for 15 dwellings. Following the introduction of a National Indicative Threshold, the Council at Full Council on 21st February 2007, where it was agreed that 40% affordable housing would be sought for on developments of 25 dwellings or more.

COMMENT ON CONSULTATION RESPONSES

Noted.

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COMMENT ON REPRESENTATIONS RECEIVED

Noted.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that:

1. The site is outside the Built-Up Area Boundary;
2. The proposed development is poor design and visually intrusive.
3. Loss of employment.
4. The proposed provides inadequate affordable housing provision
5. Development fails to account for potential flood risk from groundwater;
6. Impact on Highway Safety;
7. Inadequate provision for sustainable transportation measures.
8. Inadequate provision for public infrastructure, schools, Fire services and libraries.
9. Inadequate open space provision.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The Adopted Arun District Local Plan shows the whole of the site outside the built-up area. The application site contains part previous developed land within the curtilage of buildings mainly in Industrial use. Policy GEN3 indicates that outside the built-up area, the Countryside will be safeguarded for its own sake. Exceptions are made in respect of agricultural development, quiet and informal recreation, diversification of the rural economy, essential road schemes or specific types of development. Policy LOC2 includes considerations that development in the Countryside should not be permitted unless it can be demonstrated to require a Countryside location, local, social or economic needs are met. Development should be compatible with its location in the Countryside, and where appropriate, result in substantial environmental enhancement. In this case no justification has been made on the basis of the criteria of these polices.

PPS 3 places an emphasis on making effective and efficient use of land. Brownfield land development is encouraged. Part of this site is Brownfield. A national indicative minimum of 30 dwellings per hectare net is set to guide development in the absence of LDF policies. Delivering an up-to-date supply of locally deliverable sites over a period of 5 years is a further priority taking into account considerations that include achieving high quality housing, mix of

CONCLUSIONS

houses, suitability of site for housing as well as using land effectively and efficiently.

Careful attention to design is particularly important where intensification of the urban fabric is proposed. More intensive development is not always appropriate when well-designed and built in the right location, the statement indicates character and quality of the area can be enhanced successful intensification need not mean high rise development or low quality accommodation with inappropriate space.

The proposal is considered to be out of keeping with the character and appearance of the area. The quality of design is considered poor with regimented pattern of development in blocks with extensive car parking areas in front of units. Individual units are similar in footprint and shape form reinforcing a sense of sameness within the development. Detailed house design is monotonous with a lack of design feature interest. Opportunities to incorporate attractive boundary areas have been lost by siting houses that back onto such area. Furthermore, the siting of local play spaces appears poorly planned and inadequate.

The proposal also only makes provision for 30% affordable housing provision for development. Following the publication of PPS3, at the meeting of 21st February 2007, the Council resolved to seek affordable housing of 40% based on evidence obtained by the Council on housing needs and on the economic viability of seeking 106 contributions for affordable housing schemes taking into account land values in the District. There are no objections to the mix of open-market units. However, on affordable housing grounds, the proposal is considered contrary to current polices and statements.

Although Government advice indicates that in the absence of an up-to-date five year land supply of deliverable sites, planning applications should be considered favourably it is considered that for the above reasons the proposals should be refused.

The proposal would result in the loss of commercial premises and reduce the opportunity for small-scale businesses to locate outside of the main urban areas of Arun within easy reach o the potential workforce and consumers it is considered that there is need to retain existing employment sites given shortfall of employment floor space in the area. Planning policies including the draft South East Plan Policies SCT3 and the Atkins Study, Assessment of Employment Needs and Floor space Requirements in Arun and Chichester Districts (2005) support the retention of employment floor space and identify shortfalls in employment floor space.

Additionally, there are reasons for refusal relating to flooding and highways. The Flood Risk Assessment fails to show that the potential flood risk from groundwater is covered. County Highways raised objections due to lack of information to support visibility splays, and inadequate sustainable highway measures.

Contributions are also required for education, libraries and fire service and given the fundamental objections raised above, further reasons for refusal on inadequate provision are raised regarding these matters.

It is therefore recommended that the planning application should be refused for the reasons set out overleaf.

RECOMMENDATION

TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

Application Ref: Y/37/07/

RECOMMENDATION

1 **To Addressee**

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.

RECOMMENDATION

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. .

RECOMMENDATION

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

5th December 2007

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

ARUN DISTRICT COUNCIL:Y/37/07/ 25/04/2007