The Town & Country Planning Act 1990 (as amended)
Town & country Planning (Development Management Procedure) (England) Order 2015 - Article 6

Application for approval of Reserved Matters Following Outline Approval

DECISION NOTICE

Application Ref: Y/78/20/RES

1 **To Addressee**

Barratt David Wilson Southern
BDW House
Walnut Tree Close
Guildford
Surrey
GU1 4SW

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2 **Site Address**

Land East of Drove Lane
Yapton
BN18 0EB

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3 **Description of Development**

Approval of reserved matters following outline consent Y/92/17/OUT for 300 No.dwellings covering landscape, layout, public open space, drainage, scale & external appearance. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).

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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 amount of public open space & play, the amount of amenity space to the apartment buildings/other flatted forms of development, the size of private rear gardens afforded to certain residential dwellings, the mix of housing sizes, the relationship of new housing to existing residential properties, the interface distances between proposed dwellings, the treatment of bin stores for the communal buildings, the size and treatment of the two centrally located public open space areas and the lack of a cycle path through the Green Link area of public open space; 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 DM1, H DM1, H SP2, T DM1, QE SP1; Yapton Neighbourhood Development Plan policy H2, the "Open Space, Playing Pitches, Indoor and Built Sports Facilities" SPD, the emerging Arun Design Guide SPD and the National Planning Policy Framework and National Design Guide.

2 The proposed layout is unacceptable having regard to the large clusters of affordable housing, the failure to ensure that all dwellings are tenure blind and the separation of only affordable housing gardens with chain-link fences. The proposal does not ensure that the affordable housing is

visually indistinguishable from market housing and the proposal is therefore contrary to Arun Local Plan policy AH SP2, the emerging Arun Design Guide SPD and the National Planning Policy Framework.

3 Insufficient information has been provided to adequately demonstrate that the proposal would fully prioritise sustainable transport modes and would not have an unacceptable impact on highway safety and the proposal is therefore in conflict with Arun Local Plan policies T DM1 and T SP1 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.

INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

INFORMATIVE: It should also be noted that insufficient information has been provided to adequately demonstrate that the proposed layout provides for a sufficient surface water drainage system to ensure that there will be no flooding to new and existing adjoining residents & land users. However, as this is a matter for consideration by a discharge of condition, it is not appropriate to include this as a refusal reason.

Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **7th December 2020**

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).