ARUN DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: Y/99/13/

1 **To Addressee**

Mr P Collins
Strutt and Parker LLP
31 North Street
Chichester
West Sussex
PO19 1LY

2 **Site Address**

Land to the North & East of St Marys Church
Yapton

3 **Description of Development**

Outline application for 10.5 hectares of residential development (comprising up to 250 dwellings (30% to be affordable) together with ancillary open space and landscaping),14.9 hectares of public open space development to be laid out as public parkland and landscaped green corridors,vehicular access from Ford Lane (The means of access) - This 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 The application proposals are located outside of the defined built up areas and represent a significant encroachment into the countryside on a site not well related to the existing settlement. The area in which the application proposes development is a rural location surrounded by open countryside. The scale and location of the proposals would result in a significant adverse impact on the visual amenities of the location and character of the area contrary to Policy GEN3 and GEN7 of the Arun District Local Plan 2003.

2 The application fails to assess the significance of heritage assets, including the contribution made by their setting and is inadequate to sufficiently to understand the potential impact of the proposal on their significance. The application is therefore considered contrary to Paragraph 128 of the NPPF.

3 The proposal would have an adverse impact on the setting of the Yapton Conservation area causing substantial harm to the designated heritage asset, by virtue of the proximity of the proposed dwellings to the conservation area boundary and the effect the proposed development would have on the traditional rural approaches to Conservation Area. The proposal therefore conflicts with paragraph 132 of the National Planning Policy Framework in that these elements of the scheme are not environmentally sustainable. The scheme also conflicts with policy Area 2 of the Arun District Local Plan 2003.

4 The proposal would have an adverse impact on the setting of the Grade I listed St Mary's Church causing substantial harm to the designated heritage asset, by virtue of the proximity of the proposed dwellings to the Conservation Area boundary and the effect the proposed development would have on the traditional rural approaches to Conservation Area. The proposal therefore conflicts with paragraph 132 of the National Planning Policy Framework in that these elements of the scheme are not environmentally sustainable. The scheme also conflicts with policy Area 2 of the Arun District Local Plan 2003.

5 The applicant has failed to demonstrate that the highway impact of the proposal will not have a severe effect on the local highway network to the detriment of highway safety. The proposed development will lead to an increase in traffic using the Yapton Level Crossing which is currently experiencing significant safety issues. The development will increase the operational risk at Yapton Level Crossing and will be detrimental to road and rail safety as a consequence of the additional traffic associated with the development proposed. As such, the proposals are contrary to policy GEN7 (vii) of the Arun District Local Plan and paragraph 32 of the NPPF.

6 The application is considered to have the potential to include heritage assets with archaeological interest. Paragraph 128 states that local planning authorities should require developers to submit "where necessary, a field evaluation" should the site have potential to include heritage assets. A heritage assessment has been considered necessary by West Sussex County Council's archaeologist. No evidence of a field evaluation has been submitted therefore the proposal is considered contrary to Paragraph 128 of the NPPF.

7 The development proposed generates a need for public infrastructure in the form of financial contributions towards play facilities, libraries, pools, halls and pitches, healthcare, education and fire service. No Section 106 undertaking has been completed in order to secure these requirements and the development therefore conflicts with policy GEN8 of the Arun District Local Plan.

8 The applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing. The proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan.

INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

Case Officer: Mr C Cronin

Date of Decision: **18 March 2014**

Karl Roberts
Assistant Director Planning & Economic Regeneration

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

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 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 your local planning authority's decision on your application, 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 your local planning authority's decision on your application, 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.

For all other cases, 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 Secretary of State at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pcs

If this decision is a refusal relating to a minor commercial development, where the application was made on or after 1 October 2013, please note that you must appeal within 12 weeks of the date of this notice. For a definition of minor commercial development please refer to The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 or contact this office for clarification.

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 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 &

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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).