ADUR DISTRICT COUNCIL

Mr Tim Waller
Waller Planning
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19-25 Salisbury Square
Old Hatfield
AL9 5BT

PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1473/21

Details of Development
DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 81NO. 1 BEDROOM AND 102NO. 2 BEDROOM RESIDENTIAL APARTMENTS AND COMMERCIAL DEVELOPMENT OVER 4 BLOCKS BETWEEN 5 AND 9 LEVELS, BASEMENT PARKING AND RAISED DECK, NEW HIGHWAY ACCESS, FLOOD DEFENCES, DRAINAGE INFRASTRUCTURE, LANDSCAPING AND ANCILLARY DEVELOPMENT.

Location of Development
69 - 75 BRIGHTON ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 6RE

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development, in accordance with the application and relevant correspondence registered on 10th August 2021.

The reasons for the Council's decision to refuse to permit the development are stated on the schedule overleaf.

G Peck

Gary Peck
Planning Services Manager
21/12/2022

Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Reasons for Refusal

01. The proposed development by reason of its overall density, height, scale, bulk and massing would result in an over development of the site to the detriment of the character and visual amenities of the locality and would result in an under provision of parking and open space contrary to policy CA7 of the Shoreham Harbour Joint Area Action Plan, 2019 and Policies 8, 15, 28 & 32 & of the Adur Local Plan 2017.

02. In the absence of a planning obligation, the application does not secure the provision of the infrastructure and services necessary to accommodate and mitigate the impact of the development in relation to matters including: affordable housing, highways & transport, health, education, libraries, fire & rescue, open space & recreation, provision for future connection to the Shoreham District Heating Network; site management, public art and provisions for employment and opportunities connected with the development, in accordance with Policies 29 & 32 of the Adur Local Plan, 2017; CH7 & SH10 the Shoreham Harbour Joint Area Action Plan 2019 and the NPPF, 2021.

Informatives / Notes to Applicant

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-

Reference/Drawing Number	Version	Date Rec
CONCEPT LANDSCAPE GENERAL ARRANGEMENT	2937-LA-01 L	15.11.2022
COMPOSITE LANDSCAPE MASTERPLAN	2937-LMP-01 J	15.11.2022
PROPOSED GROUND FLOOR PLAN (sections key)	PL00.1 A	15.11.2022
BOUNDARY SECTION 1-2	PL00.2	15.11.2022
BOUNDARY SECTION 3-4	PL00.3 A	15.11.2022
BOUNDARY SECTION 5	PL00.4	15.11.2022
BOUNDARY SECTION 6-7	PL00.5	15.11.2022
BOUNDARY SECTION 8-9	PL00.6	15.11.2022
BOUNDARY SECTION 10	PL00.7	15.11.2022
EXISTING TOPOGRAPHICAL SURVEY	PL00	15.11.2022
PROPOSED GROUND FLOOR PLAN	PL03 F	15.11.2022
PROPOSED BASEMENT FLOOR PLAN	PL04 A	15.11.2022

Reference/Drawing Number	Version	Date Rec
PROPOSED FIRST FLOOR PLAN	PL05 A	15.11.2022
PROPOSED SECOND FLOOR PLAN	PL06 A	15.11.2022
PROPOSED THIRD FLOOR PLAN	PL07 A	15.11.2022
PROPOSED FOURTH FLOOR PLAN	PL08 A	15.11.2022
PROPOSED FIFTH FLOOR PLAN	PL09 A	15.11.2022
PROPOSED SIXTH FLOOR PLAN	PL10 A	15.11.2022
PROPOSED SEVENTH FLOOR PLAN	PL11 A	15.11.2022
PROPOSED EIGHTH FLOOR PLAN	PL12 A	15.11.2022
PROPOSED ROOF PLAN	PL13 A	15.11.2022
SITE ELEVATIONS	PL14	15.11.2022
SITE ELEVATIONS	PL15 A	15.11.2022
BLOCK 1 PROPOSED FLOOR PLANS	PL16	15.11.2022
BLOCK 1 PROPOSED FLOOR PLANS	PL17	15.11.2022
BLOCK 1PROPOSED FLOOR PLANS	PL18	15.11.2022
BLOCK 1 PROPOSED ROOF PLAN	PL19	15.11.2022
BLOCK 2 PROPOSED GROUND FLOOR PLAN	PL20	15.11.2022
BLOCK 2 PROPOSED 1ST - 4TH FLOOR PLAN	PL21	15.11.2022
BLOCK 2 PROPOSED 5TH FLOOR PLAN	PL22	15.11.2022
BLOCK 2 PROPOSED 6TH FLOOR PLAN	PL23	15.11.2022
BLOCK 2 PROPOSED 7TH FLOOR PLAN	PL24	15.11.2022
BLOCK 2 PROPOSED ROOF PLAN	PL25	15.11.2022
BLOCK 3 PROPOSED GROUND FLOOR PLAN	PL26	15.11.2022
BLOCK 3 PROPOSED 1ST - 4TH FLOOR PLAN	PL27	15.11.2022
BLOCK 3 PROPOSED 5TH FLOOR PLAN	PL28	15.11.2022
BLOCK 3 PROPOSED 6TH FLOOR PLAN	PL29	15.11.2022
BLOCK 3 PROPOSED 7TH FLOOR PLAN	PL30	15.11.2022
BLOCK 3 PROPOSED ROOF PLAN	PL31	15.11.2022

Reference/Drawing Number	Version	Date Rec
BLOCK 4 PROPOSED GROUND FLOOR PLAN	PL32	15.11.2022
BLOCK 4 PROPOSED 1ST, 3RD & 5TH FLOOR PLAN	PL33	15.11.2022
BLOCK 4 PROPOSED 2ND & 4TH FLOOR PLAN	PL34	15.11.2022
BLOCK 4 PROPOSED 6TH FLOOR PLAN	PL35	15.11.2022
BLOCK 4 PROPOSED 7TH FLOOR PLAN	PL36	15.11.2022
BLOCK 4 PROPOSED 8TH FLOOR PLAN	PL37	15.11.2022
BLOCK 4 PROPOSED ROOF PLAN	PL38	15.11.2022
BLOCK 1 ELEVATIONS	PL39 A	15.11.2022
BLOCK 2 ELEVATIONS 1	PL40 A	15.11.2022
BLOCK 2 ELEVATIONS 2	PL41 A	15.11.2022
BLOCK 3 ELEVATIONS 1	PL42 A	15.11.2022
BLOCK 3 ELEVATIONS 2	PL43 B	15.11.2022
BLOCK 4 ELEVATIONS 1	PL44 B	15.11.2022
BLOCK 4 ELEVATIONS 2	PL45 B	15.11.2022
LOCATION PLAN	PL01 A	15.11.2022
BLOCK PLAN	PL02 A	15.11.2022
PRELIMINARY ACCESS WITH PROP A259 CYCLEWAY	5501_2614 P5	15.11.2022
PRELIMINARY ACCESS WITH EXTG A259 CONFIGURATION	5501_2615 P3	15.11.2022
LANDSCAPING 5TH AND 6TH FLOORS	2937-LA-02	10.08.2021
LANDSCAPING 7TH AND 8TH FLOOR	2937-LA-03	10.08.2021

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. 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.

2. If you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. 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.

4. 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.

5. 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.

6. 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.

Purchase Notices

7. If either the local planning authority or the Secretary of State refuses 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.

8. 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 and Planning Act 1990.

9. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

10. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

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Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).