ADUR DISTRICT COUNCIL

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PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/1953/16

Details of Development

OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 52 NO. DWELLINGS (INCLUDING THE PROVISION OF 30% ON-SITE AFFORDABLE HOUSING) INTERNAL ROADS AND PARKING, INFORMAL OPEN SPACE AND LANDSCAPING TOGETHER WITH NEW VEHICULAR ACCESS ON THE SOUTH-EASTERN SIDE OF THE SITE ONTO STEYNING ROAD (ALL MATTERS RESERVED APART FROM THE ACCESS). THE APPLICATION ALSO INCLUDES DETAILS OF THE PROPOSED REALIGNMENT OF THE NEW ADUR TIDAL WALL FLOOD DEFENCE SCHEME AS AN AMENDMENT TO THAT APPROVED UNDER REFERENCE AWDM/1614/15 AND IS ACCOMPANIED BY AN ADDENDUM TO THE ORIGINAL ENVIRONMENTAL STATEMENT).

Location of Development

GRAZING LAND SOUTH WEST OF FLYOVER STEYNING ROAD SHOREHAM-BY-SEA WEST SUSSEX

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 23rd December 2016.

The reasons for the Councils decision to refuse to permit the development are stated on the schedule overleaf.

G Peck

Gary Peck
Planning Services Manager
10/09/2019

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 – Outline Application

01. The site lies outside of the built up area boundary and is within the countryside where development will only be permitted where the need for a countryside location is essential. No overriding need for the provision of housing on this site has been successfully demonstrated. The proposal therefore represents an unsustainable form of development and conflicts with Policies 1, 2, 3 and 13 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.

02. The proposal would have a detrimental impact on the landscape character and appearance of the site and on the wider area, the gateway setting of Shoreham, its riverside setting and the setting of the Conservation Area and the Listed Buildings within it. The proposed development therefore conflicts with Policies 11, 13, 15, 16, 17 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.

03. It has not been adequately demonstrated that the proposed development would not result in harm to future residents through unacceptable noise disturbance as a result of the site's proximity to the A27 flyover or that any impacts could be successfully overcome. The proposal therefore conflicts with policies 15 and 34 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.

04. A Stage One Road Safety Audit and Designer's Response has not been submitted and it has not therefore been adequately demonstrated that the proposed vehicular access is safe. The proposal therefore conflicts with policies 15 and 28 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.

Reasons for Refusal – Full Application

01. The proposed realignment of the flood defences will result in a greater length of bund which will have a more significant visual impact to the detriment of the character and appearance of the site. The need to realign the flood defences in the manner proposed has not been adequately demonstrated and it would therefore be premature to approve such changes until the need has been proven. The proposal would therefore conflict with Policies 11 and 13 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
LOCATION PLAN	Drg No 001 REV A	23.12.2016
PROPOSED SITE LAYOUT	Drg No 002 REV E	23.12.2016
STREET ELEVATIONS	Drg No 006 REV B	23.12.2016
SITE SECTIONS	Drg No 008	23.12.2016
TYPE A - 01 FLOORPLAN	Drg No 003 REV A	23.12.2016
TYPE B FLOORPLAN	Drg No 004 REV B	23.12.2016
TYPE C FLOORPLAN	Drg No 005 REV B	23.12.2016
TYPE A - 02 FLOORPLAN	Drg No 007 REV A	23.12.2016
LANDSCAPE VISUAL IMPACT ASSESSMT		23.12.2016
DESIGN & ACCESS STATEMENT		23.12.2016
VEHICLE TRACKING	C-700 REV I01	23.12.2016
VEHICLE TRACKING	C-701 REV I01	23.12.2016
VEHICLE TRACKING	C-702 REV I01	23.12.2016
LAND & WATER QUALITY STATEMENT		23.12.2016
NOISE IMPACT ASSESSMENT		23.12.2016
PHASE 1 HABITAT SURVEY REPORT		23.12.2016
FRA		23.12.2016
PLANNING & HERITAGE STATEMENT	December 2016	23.12.2016
TRANSPORT ASSESSMENT	Ramboll	23.12.2016
HERITAGE STATEMENT		09.04.2018
AIR QUALITY ASSESSMENT	July 2017	24.07.2017
TIDAL WALL ENVN STATEMENT ADDEND	April 2017	10.04.2017
RAMBOLL ADDITIONAL NOISE INFO		29.09.2017

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

TOWN AND COUNTRY PLANNING ACT 1990
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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.

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).