ADUR DISTRICT COUNCIL

Mr Luke Carter
Lewis and Co Planning SE Ltd
Lewis & Co Planning
2 Port Hall Road
Brighton
BN1 5PD

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/1962/22

Details of Development
PROPOSED MIXED-USE RE-DEVELOPMENT BETWEEN 3 AND 8 STOREYS COMPRISING OF 21 TOWNHOUSES, MIXED-USE APARTMENT BLOCK OF 24 FLATS, COMMERCIAL UNIT, RIVERSIDE WALK, PLAY AREA, LANDSCAPING, AND PARKING (WITH REVISED DESIGN AND PROVISION OF ON-SITE AFFORDABLE HOUSING).

Location of Development
LAND AT FORMER 5 BRIGHTON 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 9th December 2022.

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
09/03/2023

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 proposal by reason of its scale, height and design, is considered to cause harm to the setting and the significance of the designated heritage asset, Kingston Bucci lighthouse. Whilst this is considered to be less than substantial harm, the Local Planning Authority does not consider that there are public benefits of the proposal sufficient to outweigh this harm, the under provision of affordable housing provision contributes to this lack of outweighing public benefit. The proposal is therefore contrary to the following Policies of the Adur Local Plan, 2017:-

    15 (Quality of the Built Environment and Public Realm),
    16 (A Strategic Approach to the Historic Environment),
    17 (The Historic Environment)
    21 (Affordable Housing) and,
    Policy CA7 of the Shoreham Harbour Joint Area Action Plan 2019 (including the associated paragraph 4.7.70) and paragraphs 199-200 & 202 of the NPPF, 2021.

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
7.9m Fire Appliance SPA IN East	FHKS/SR/4009 A	01.03.2023
7.9m Fire Appliance SPA IN West	FHKS/SR/4007 A	01.03.2023
7.9m Fire Appliance SPA OUT East	HKS/SR/4008 A	01.03.2023
7.9m Fire Appliance SPA OUT West	FHKS/SR/4010 A	01.03.2023
11.997m Refuse SPA IN East	FHKS/SR/4005 A	01.03.2023
11.997m Refuse SPA IN West	FHKS/SR/4003 A	01.03.2023
11.997m Refuse SPA OUT East	FHKS/SR/4004 A	01.03.2023
11.997m Refuse SPA OUT West	FHKS/SR/4006 A	01.03.2023

Reference/Drawing Number	Version	Date Rec
PARKING & KEEP CLEAR PLAN	1545 PA 046 A	07.03.2023
FLOOD DEFENCE WALL ALIGNMENT, ACCESS TO WALL & NAVIGATION LIGHT POSITION	2088 PA 040	09.12.2022
SITE PLAN	1545-EX-001	09.12.2022
TOPOGRAPHICAL SURVEY	1545-EX-001	09.12.2022
GROUND FLOOR PLAN WITH FLOOD GATE POSITIONS, RIVER WALK WIDTH & SECTION LINES FOR PERIMETER SECTIONS	1545 PA 041	09.12.2022
PERIMETER SECTIONS & RIVER LEVELS INFORMATION	2088 PA 042	09.12.2022
INDICATIVE FLOOD WALL DETAILS	2088 PA 043	09.12.2022
STRATEGIC LANDSCAPE PLAN	1545 PA 044	09.12.2022
FLOOD RISK DRAINAGE ASSESSMENT	16050/03/HPO/RPT/01 V.3	03.02.2023
LOWER LEVEL FLOW PATH PROFILE		09.12.2022
LOWER LEVEL FLOW OUTPUT		09.12.2022
UPPER LEVEL FLOW PATH PROFILES		09.12.2022
UPPER LEVEL MODEL OUTPUT		09.12.2022
DRAINAGE LAYOUT PLAN	DR-C-0500 REV P8	28.02.2023
TYPICAL DRAINAGE DETAILS SHEET 1 OF 2	DR-C-0520 REV P1	09.12.2022
TYPICAL DRAINAGE DETAILS SHEET 2 0F 2	DR-C-0521 REV P2	09.12.2022
LOCATION PLAN & PROPOSED SITE PLAN	2088 PA 009	09.12.2022
BASEMENT PLAN & PART GROUND FLOOR PLAN	2088 PA 010	09.12.2022
GROUND FLOOR PLAN	2088 PA 011	09.12.2022
FIRST FLOOR PLAN	2088 PA 012	09.12.2022
SECOND FLOOR PLAN	2088 PA 013	09.12.2022
THIRD FLOOR PLAN	2088 PA 014	09.12.2022
FOURTH FLOOR PLAN	2088 PA 015	09.12.2022
FIFTH FLOOR PLAN	2088 PA 016	09.12.2022
SIXTH FLOOR PLAN	2088 PA 017	09.12.2022

Reference/Drawing Number	Version	Date Rec
SEVENTH FLOOR PLAN	2088 PA 018	09.12.2022
ROOF PLAN	2088 PA 019	09.12.2022
SOUTH ELEVATION RIVERSIDE & SECTION A-A	2088 PA 020	09.12.2022
NORTH ELEVATION ROADSIDE & SECTION B-B & F-F	2088 PA 021	09.12.2022
EAST & WEST ELEVATIONS TO EAST TERRACE, EAST ELEVATIONS TO NORTH & SOUTH TERRACES & SECTION E-E	2008 PA 022	09.12.2022
WEST ELEVATION TO FLATS & SECTIONS C0C, D-D & G-G	1545 PA 023	09.12.2022
TYPICAL BAY BRICKWORK DETAILS	2088 PA 024	09.12.2022

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. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. 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).