ADUR DISTRICT COUNCIL

Mr Simon Bareham
Lewis and Co Planning SE Ltd
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BN1 5PD
United Kingdom

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/0788/22

Details of Development
DEMOLITION OF DERELICT NIGHTCLUB AND REDEVELOPMENT TO PROVIDE A SINGLE DWELLING UNIT. SINGLE STOREY REAR EXTENSION TO EXISTING DWELLING (11 WEST STREET)

Location of Development
DEVELOPMENT SITE OF 11 WEST STREET AND REAR HALL WEST STREET 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 13th May 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
11/10/2022

SCHEDULE

Reasons for Refusal

01. The proposed building at 11A West Street, due to its proposed scale, bulk and design, will be detrimental to the character and appearance of the Conservation Area and represents overdevelopment which is out of keeping with the existing character of the locality. The proposal is therefore contrary to Policies 15, 16 and 17 of the Adur Local Plan and the National Planning Policy Framework

02. The proposed building, due to its proposed scale, bulk and design, would be oppressive and overbearing to the occupiers of residential properties adjacent to the site and the intensification of activity, together with the insufficient amenity space provided for the proposed dwelling, would be detrimental to the amenities of existing and future occupiers. The proposal is therefore contrary to Policy 15 of the Adur Local Plan, Development Management Standard No. 1 Space Around New Dwellings and Flats and the National Planning Policy Framework.

03. The application does not contain sufficient information in respect of surface water drainage and it is therefore unclear whether a policy compliant drainage design can be achieved. The proposal is therefore contrary to policy 36 of the Adur Local Plan and does not comply with policy 1 of West Sussex LLFA Policy for the Management of Surface Water (paragraph 5.2.6).

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
PROPOSED PLANS, SECTIONS & ELEVATIONS	021-05-P03 Rev E	02.08.2022
EXISTING SITE LOCATION & BLOCK PLANS	021-05-P01	13.05.2022
EXISTING PLANS, SECTION & ELEVATIONS	021-05-P02	13.05.2022
PROPOSED SITE LOCATION & BLOCK PLANS	021-05-P04	13.05.2022

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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. 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.

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).