WORTHING BOROUGH COUNCIL

Mr Paul Joyce
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United Kingdom

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/0098/24

Details of Development
DEMOLITION OF EXISTING BUILDINGS INCLUDING 2 BEDFORD ROW AND ERECTION OF A PART FOUR AND PART FIVE-STOREY BUILDING COMPRISING COMMERCIAL AND COMMUNITY UNITS (E CLASS AND F1) AT GROUND FLOOR AND 9X FLATS (C3) ABOVE.

Location of Development
GOSPEL HALL BEDFORD ROW WORTHING WEST SUSSEX BN11 3DR

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 25th January 2024.

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
21/03/2024

Worthing Borough 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 demolition of the non-designated heritage assets and proposed replacement building by reason of scale, siting, design and lack of information on photovoltaic panels and air source heat pumps are considered to cause less than substantial harm, at the upper end of the scale, to the setting of adjacent listed buildings and the South Street Conservation Area contrary to policies DM5 and DM24 of the Worthing Local Plan (2023), paragraphs 205 to 214 of the National Planning Policy Framework and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

02. The proposed demolition of the community facility and the lack of information regarding the intended use or users for the proposed smaller replacement facility is considered to be contrary to policy DM8 of the Worthing Local Plan (2023).

03. The proposed development, by reason of scale, siting, fenestration and balconies is considered to cause an unacceptable level of overlooking and loss of privacy for neighbouring residential occupiers contrary to policy DM5 of the Worthing Local Plan (2023).

04. Insufficient evidence has been provided to enable the Local Planning Authority to adequately assess the impact of the proposal on the neighbouring residents in terms of loss of daylight, loss of sunlight and overshadowing of amenity spaces contrary to policy DM5 of the Worthing Local Plan (2023).

05. The proposed accommodation, by reason of rear level access only is considered to provide substandard access for residents, visitors and users of the commercial and community facilities contrary to policies DM5 and DM8 of the Worthing Local Plan (2023).

06. The submitted flood risk assessment, by reason of inadequate assessment of alternative sites as part of the sequential test is not considered to adequately address issues related to flooding and is therefore contrary to policy DM20 of the Worthing Local Plan (2023).

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
FLOOD RISK & DRAINAGE ASSESSMENT	16271/01/HOP/RPT/01	25.01.2024
HERITAGE STATEMENT		25.01.2024
DESIGN & ACCESS & PLANNING STATEMENT	V3	25.01.2024
STRUCTURAL ENGINEERS REPORT		25.01.2024
LOCATION & BLOCK PLAN	A01 B	25.01.2024
EXISTING & PROPOSED SITE PLAN	A02 A	25.01.2024
EXISTING FLOOR PLANS	A03 B	25.01.2024
EXISTING ELEVATIONS	A04 A	25.01.2024
PROPOSED ELEVATIONS	A05 A	25.01.2024
PROPOSED GROUND FLOOR PLAN	A06 A	25.01.2024
PROPOSED FIRST FLOOR PLAN	A07 A	25.01.2024
PROPOSED SECOND FLOOR PLAN	A08 A	25.01.2024
PROPOSED THIRD FLOOR PLAN	A09 A	25.01.2024
PROPOSED FOURTH FLOOR PLAN	A10 A	25.01.2024
PROPOSED ROOF PLAN	A11 A	25.01.2024
3D VISUALISATION	A12 A	25.01.2024
PROPOSED ELEVATIONS (FINISHED FLOOR LEVELS)	A05 B	18.03.2024
PRELIMINARY DRAINAGE LAYOUT PLAN	DR-C-0500 P2	27.02.2024
ATTENUATION FEH22 CALCULATIONS		27.02.2024

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.

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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/appeal-planning-decision 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).