ADUR DISTRICT COUNCIL

Mr Richard Seymour
Circle 25
25 St Johns Road
Polegae
BN26 5BN

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/1119/19

Details of Development
DEMOLITION OF 53 AND 55 SOUTHVIEW ROAD AND CONSTRUCTION OF 4 NO. 3 BEDROOM TERRACE AND 4 NO. SEMI-DETACHED DWELLINGS AND 2 NO. 4 BED DETACHED DWELLINGS WITH NEW VEHICULAR ACCESS FROM SOUTHVIEW ROAD AND ASSOCIATED PARKING AND AMENITY AREAS.

Location of Development
LAND WEST OF 51 TO 63 SOUTHVIEW ROAD SOUTHWICK 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 18th July 2019.

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
10/12/2019

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

01. The application fails to demonstrate that flooding of the site will not occur and that the development will not exacerbate flooding beyond the site. It is therefore contrary to policies 35 and 36 of the Adur Local Plan and the National Planning Policy Framework.

02. The application fails to identify safe access to the highway. The application is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.

03. The application is inadequate as submitted as it fails to protect trees and the proposed layout is likely to result in pressure for reduction works which would adversely affect the visual amenity of a protected tree. It is therefore contrary to policies 15 and 30 of the Adur Local Plan, in that it fails to respect the existing natural features of the site, and guidance contained within the National Planning Policy Framework.

04. The proposal is weak in its design in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. As such it will not make a positive contribution to the sense of place, local character and distinctiveness of this area and as such is contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.

05. The proposal is cramped within the site and will have a harmful impact on neighbours due to an overbearing impact, loss of light and noise and disturbance from the proposed access. 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.

06. The proposal is cramped within the site and will have a harmful impact on future occupiers living conditions in terms of inadequate garden sizes and overshadowing from trees to be retained. 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.

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
HIGHWAY OPTIONS	Drg No 19012-P02	17.09.2019
ROAD SAFETY AUDIT STAGE 1 REPORT	September 2019	17.09.2019
BAT EMERGENCE SURVEY	ASW/SDH/044/23/2019	07.10.2019
REPTILE & AMPHIBIAN SURVEY	ASW/SDH/041/23/2019	07.10.2019

Reference/Drawing Number	Version	Date Rec
LOCATION & BLOCK PLAN	Drg No 19012-P01 Rev A	18.07.2019
HOUSE TYPES 3B5P & 4B6P	Drg No 19012-P03 Rev A	18.07.2019
HOUSE TYPES PLOT 10-4B6P	Drg No 19012-P06	18.07.2019
SWEPT PATH OF REFUSE VEHICLE	Drg No 7346-200 Rev A	18.07.2019
PROPOSED LIGHTING DESIGN	Drg No 7346-300 Rev A	18.07.2019
STREETSCENES & SITE ELEVATIONS	Drg No 19012-P04	18.07.2019
PROPOSED HARD/SOFT LANDSCAPING	Drg No 19012-P05	18.07.2019
PRELIM ECOLOGICAL ASSESSMENT		22.08.2019
SUSTAINABILITY REPORT	December 2019	05.12.2019
FOLLOW UP BAT ROOST ASSESSMENT	November 2019	28.11.2019
SuDS DRAINAGE STATEMENT	February 2019	18.07.2019
ARBORICULTURAL SURVEY		18.07.2019
AIR QUALITY ASSESSMENT		22.11.2019

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/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).