

DECISION NOTICE

Application Ref: BR/82/22/PL

1 To Addressee

Mulberry Architecture Ltd
Dell Quay Yacht Marina
Dell Quay Road
Chichester
PO20 7EE

2 Site Address

Holmlea, Main Unit Rear Of
Town Cross Avenue
Bognor Regis
PO21 2DN

3 Description of Development

Demolition of warehouse and proposed construction of 10 No. self contained apartments. This application is in CIL Zone 4 (Zero Rated) as flats.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 Having regard to the size, proximity and relationship of the building to neighbouring residential properties, the proposal would create unacceptable living conditions for the occupants of adjoining properties through overlooking to the private area of Halson Close and Fletcher Way and by way of being overbearing, in conflict with policies D SP1, D DM1, and QE SP1 of the Arun Local Plan, the Arun Design Guide and the NPPF.
- 2 The proposal by reason of its size and massing, represents an overdevelopment of the site without the ability to accommodate residential amenity for prospective occupiers contrary to policies and D DM1 of the Arun Local Plan, Design Guide and the NPPF.
- 3 Due to the lack of information relating to how a fire appliance or refuse vehicle can access and turn on-site, it has not been possible to conclude that the proposal would not harm highway safety in conflict with T SP1 of the Arun Local Plan and with the NPPF.
- 4 The development makes no provision for contributions to off-site public open space, to off-site children's play space, to off-site playing pitches, to off-site built sports & leisure facilities and to education/library/fire & rescue infrastructure improvements, and is contrary to the aims and objectives of the NPPF (2021), policy INF SP1 of the Arun Local Plan and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports

Facilities" (January 2020).

- 5 In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with policies ENV DM1 and ENV DM2 of the Arun Local Plan.
- 6 The redevelopment of the site would result in a loss of commercial floorspace. In the absence of marketing information to demonstrate that the site is no longer required/unlikely to be redeveloped for industrial/commercial purposes the proposal would result in harm to the supply of commercial land in the district contrary to policy EMP DM1 of the Arun Local Plan,

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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.



Neil Crowther
Group Head of Planning

Case Officer: Ms M Tomalova

Decision Issued: **21st July 2023**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused 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.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).