



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: LU/177/14/PL

1 To Addressee

Graham Nicolls
 21 King Street
 Arundel
 West Sussex
 BN18 9BJ

2 Site Address

The Old Dairy
 Behind 3 & 5 Church Street

 BN17 5EL

3 Description of Development

Demolition of original dairy distribution depot and construction of 8 No. dwellings and ancillary works. Resubmission following LU/298/13. This application may affect the character and appearance of the Littlehampton (East Street) Conservation Area.

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 The proposed development by reason of the number of dwellings, layout and design would result in a cramped and harmfully contrived appearance that would run contrary to the prevailing development pattern of the area and would neither preserve nor enhance the Conservation Area in conflict with policies GEN7(ii) and AREA2 of the Arun District Local Plan and policies D SP1, D DM1 and HER DM3 of the Emerging Local Plan.
- 2 Due to the layout and close proximity of Plot 2 to Plot 3, there would be harmful overshadowing, overbearing effects and an unacceptable loss of light on to the property of Plot 2 which would be to the harmful detriment of prospective occupiers in conflict with policy GEN7(iv) of the Arun District Local Plan and policy D DM1 of the Emerging Local Plan.
- 3 The proposed development makes an unsatisfactory S106 contribution failing to include a contribution towards a Traffic Regulation Order as required by the Highways department of West Sussex County Council and so would be contrary to Paragraph 35 of the National Planning Policy Framework.

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By virtue of the rear garden sizes for Plots 4 and 5, there is an unacceptable shortfall in their area which fails to meet the requirements of the External Space Standards which is in conflict with policy D DM3 of the Emerging Local Plan and would lead to an unacceptable level of amenity space for future occupiers of those dwellings.



Karl Roberts
Assistant Director Planning & Economic Regeneration

Case Officer: Mr D Sullivan

Date of Decision:

11 August 2014

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990
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 First 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 your local planning authority's decision on your application, 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 your local planning authority's decision on your application, 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.

For all other cases, if you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Secretary of State at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pes

If this decision is a refusal relating to a minor commercial development, where the application was made on or after 1 October 2013, please note that you must appeal within 12 weeks of the date of this notice. For a definition of minor commercial development please refer to The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 or contact this office for clarification.

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.

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.

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.

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).