

Recommendation Report for Planning Permission

REF NO: R/223/24/PL

LOCATION: Rustington Manor Hotel And Restaurant  
12 Broadmark Lane  
Rustington  
BN16 2HH

PROPOSAL: Demolition of existing pair of garages and erection of a three-bay car port with 1 No. studio flat (use class C3) above. This application is in CIL zone 4 (zero rated) as apartments.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application seeks the erection of a three bay car port with a studio flat above following the demolition of an existing pair of garages.
SITE AREA	1200sqm, of which 71sqm is proposed for development under this application.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	58 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a mature tree to the west of the proposed car port, and some overgrown planting at the eastern end of the northern boundary.
BOUNDARY TREATMENT	The site is located on a corner plot. The site is open with no tall boundary treatments on Broadmark Lane or at the end of Broadmark Avenue. There is a grass verge surrounding the site. To the rear of the existing garages is a low brick wall with some planting.
SITE CHARACTERISTICS	The site is occupied by a two storey detached building and has a large frontage. The main building is the former Rustington Manor Hotel and Restaurant. The northern section of the building is occupied by 2 No. flats, and permission was granted in May 2024 for the conversion of the vacant hotel into a further 4 No. flats. To the front of the site there is currently an area of hardstanding, with a pair of garages to the northern boundary. The site is prominently located on the corner of Broadmark Lane and Broadmark Avenue.
CHARACTER OF LOCALITY	The site is in a predominantly residential area which largely comprises detached dwellings set back a uniform distance from Broadmark Lane.

**RELEVANT SITE HISTORY**

R/49/24/PL	Conversion of former hotel to create four new residential apartments (Use Class C3). This application is in CIL zone 4 (zero rated) as apartments.	Approve Conditionally	07-05-24
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Planning history noted.

### **REPRESENTATIONS**

Rustington Parish Council - No objection.

One representation was received from a nearby occupier relating to the location of the proposed bin store, requesting that a door be added to the store.

### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted. The bin store was considered under the previous permission, R/49/24/PL, and is not under consideration as part of this application.

### **CONSULTATIONS**

#### **CONSULTATION RESPONSES RECEIVED:**

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - No objection.

ENVIRONMENTAL HEALTH - No objection.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

### **POLICY CONTEXT**

Built Up Area Boundary.

CIL Zone 4.

### **DEVELOPMENT PLAN POLICIES**

#### Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
QESP1	QE SP1 Quality of the Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Rustington Neighbourhood Plan 2014 Policy 4

Housing Design

Sustainable Drainage

#### PLANNING POLICY GUIDANCE:

NPPF      National Planning Policy Framework

NPPG      National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD13      Arun District Design Guide (SPD) January 2021

SPD11      Arun Parking Standards 2020

#### POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant Rustington Neighbourhood Plan policies have been considered in this determination.

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that the proposal results in harm to the visual amenity and character of the area due its siting and scale.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

#### OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

#### BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG).

#### CONCLUSIONS

##### PRINCIPLE

The site is within the Built-Up Area Boundary (BUAB) where the principle of residential development is

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acceptable. Policy SD SP2 of the Arun Local Plan (ALP) seeks to focus development within the BUAB, subject to consideration of other relevant Development Plan policies. The site is in a sustainable location, close to Rustington village centre.

#### CHARACTER AND DESIGN

Policies D SP1 and D DM1 of the ALP require proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish, and architectural details. Rustington NDP Policy 2 similarly requires the scale, density, massing, height, landscape design, layout and materials of new development to reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The proposed car port would be constructed following the demolition of the existing pair of garages on the site's northern boundary. The car port would occupy a similar position to the existing garages, but it would extend further towards the front of the site by approximately 5.7m. The proposed dimensions are approx. 10.6m by 6.5m, meaning that the total footprint of the car port would be more than double the existing garages. The car port would sit in a prominent location on the corner of Broadmark Lane and Broadmark Avenue, and is located adjacent to the grass verge to the north of the site. The dwellings along Broadmark Avenue and Broadmark Lane are generally set at a uniform distance from the road, with no ancillary buildings located forward of this line. The proposed building would sit substantially forward of the established building line. The north elevation of the car port, which would front Broadmark Avenue, forms the rear elevation of the car port and studio, and would comprise a blank tile hung wall and clay tile roof. This blank facade would be prominent in the street scene, and would create a constrained eastern entrance to Broadmark Avenue, a street with an otherwise open character.

It is acknowledged that the car port partially replaces an existing structure, however the existing structure does not make a positive addition to the street scene. Moreover, the proposed car port is substantially different to the existing garage in terms of scale and does not have the character of a small ancillary building. The height of the proposed car port would measure 5.2m, just below the eaves height of the adjacent two storey building. The height of the building is significant, and contributes to the excessive prominence of the building in the street scene.

The proposed design would feature a barn hipped roof. Although this roof style does not reflect the design of the main building on the site, the architectural style of the area is mixed, with a variety of rooflines and materials. The car port would have an oak frame, with a clay tile pitched roof, which would accommodate the studio flat. The proposed materials are appropriate for their location and are acceptable in accordance with policy D DM1, although the use of such materials does not overcome the identified harm to the character and appearance of the street scene.

Overall, the proposed building is of an inappropriate size and scale for its location, and is sited unduly prominently to the front of the existing building lines at the junction of Broadmark Lane and Broadmark Avenue. The proposed development would be a visually obtrusive and incongruous form of development which would result in demonstrable harm to the character of the locality and visual amenity of the host dwelling, street scene and wider area. The proposed development is contrary to Arun Local Plan policies D DM1 and D SP1 and Rustington NDP Policy 2.

#### NEIGHBOURING RESIDENTIAL AMENITY

Policy D DM1 requires that there be minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance. Policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The proposal would be located to the north of the plot, on the corner of the Broadmark Lane and

Broadmark Avenue and as such, the closest neighbouring properties would be the existing flats within the northern portion of the main hotel building. The car port would be located to the front and side of the existing building and there would be sufficient separation distance between the two buildings. The car port would not result in overlooking or overbearing effects. The studio flat would be served by rooflights and a balcony on the southern elevation. The balcony would look out onto the parking provision and bin store associated with the flats. Some views of the garden amenity space which was provided to the front of the flats beyond the bin store under R/49/24/PL may be gained from the proposed balcony. However, there is a separation distance of approx. 12m and these effects will not be significantly harmful.

The proposed car port and studio flat would not result in harm to neighbouring amenity by way overbearing, overshadowing or overlooking effects. The proposal is in accordance with policies D DM1 and QE SP1 of the ALP in this regard.

#### **QUALITY OF ACCOMODATION**

Policy D DM2 of the ALP requires residential development to be in accordance with the Nationally Described Space Standards. The proposed area of the proposed studio flat would measure 38sqm, which is in accordance with the space standards. The flat would be served by rooflights and a small balcony on the southern elevation, providing adequate natural light and some external amenity space.

The proposal is in accordance with policy D DM2 and the Arun Design Guide.

#### **TRANSPORT AND PARKING**

Policy T SP1 of the ALP seeks to ensure that development provides safe access on to the highway network, contributes to highway improvements and promotes sustainable transport. The site is in a sustainable location with access to amenities and public transport networks within easy walking distance.

The site has an existing vehicular access with no known safety concerns. West Sussex County Council Highways were consulted on the application and have raised no objections.

The car port would partly replace the existing pair of garages and would incorporate one of the parking spaces serving the flats approved under R/49/24/PL. It is noted that the existing garages are not of a sufficient size to be considered parking spaces according to the Arun Parking Standards (i.e., do not meet the 3m by 6m garage size requirement), and therefore, the proposal would result in an increase in the parking provision on site. The site is located within Parking Behaviour Zone 4 according to the Arun Parking SPD, and would require a single additional space to serve the studio flat. The proposal would comply with these requirements.

The proposal is in accordance with policy T SP1 of the ALP and Policy 2 of the Rustington NDP.

#### **ECOLOGY, BIODIVERSITY AND TREES**

The site is a brownfield site which is largely covered by existing hardstanding, although this is currently being removed as part of the previous permission on the site. The development is not subject to Biodiversity Net Gain, however, the proposal identifies opportunity for new planting and would deliver a biodiversity enhancement in accordance with ENV DM5. There is an existing mature tree on the site, located to the west of the proposed development which is shown as retained following the development.

#### **FLOOD RISK AND DRAINAGE**

The site is located in Flood Zone 1. The proposals indicate that existing hardstanding on the site would be replaced with permeable paving, as identified under R/49/24/PL. Therefore, the proposal would be in accordance with Policies W DM2 and W DM3 of the ALP and with Policy 4 of the Rustington NDP.

#### **SUMMARY**

The proposed car port and studio, by reason of its siting, scale, height and design, would appear unduly prominent within the street scene of Broadmark Avenue and Broadmark Lane. The proposed development would be a visually obtrusive and incongruous form of development which would result in demonstrable harm to the character and appearance of the locality and visual amenity of the host dwelling and street scene. The proposed development is contrary to Arun Local Plan policies D DM1, D SP1 and Rustington NDP Policy 2.

Para 11(c) of the NPPF states that development should be approved without delay where it accords with the Development Plan. In this case, the proposal is not in accordance with the policies therefore Para 11(d)(ii) must be considered. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year Housing Land Supply (HLS) cannot be demonstrated), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The Council can currently only demonstrate an HLS of 3.4 years. The adverse impacts of allowing this development, namely adverse harm to the character of the area, will significantly and demonstrably outweigh the very minor benefits associated with one new dwelling. It is therefore recommended this application be refused.

#### **HUMAN RIGHTS ACT**

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **DUTY UNDER THE EQUALITIES ACT 2010**

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

#### **CIL DETAILS**

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

#### **RECOMMENDATION**

REFUSE

- 1 The proposed car port and studio flat, by reason of its siting, scale, height and design, would appear unduly prominent within the street scene of Broadmark Avenue and Broadmark Lane. The proposed development would be a visually obtrusive form of development and would result in demonstrable harm to the character of the locality and visual amenity of the street scene. The proposed development is contrary to Arun Local Plan policies D DM1 and D SP1 and Rustington Neighbourhood Plan Policy 2.
- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.