Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application for Planning Permission

DECISION NOTICE

Application Ref: R/291/21/PL

1 **To Addressee**

Lewis & Co Planning SE Ltd
2 Port Hall Road
Brighton
BN1 5PD

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2 **Site Address**

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

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3 **Description of Development**

Demolition of former hotel and restaurant and erection of a part two-storey, part three-storey building containing ten apartments (Use Class C3). This application is in CIL Zone 4 (zero rated) as apartments.

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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 proposal by reason of its height, scale, design, site coverage and position results in an overly dominant, obtrusive and cramped form of development which is out of keeping with its surroundings. There will be unacceptable overbearing harm and increased overlooking to neighbouring occupiers and unacceptable loss of outlook to potential occupiers in conflict with policies D DM1, D SP1 and QE SP1 of the Arun Local Plan, the Arun Design Guide and Policy 2 of the Rustington Neighbourhood Plan.

2 In the absence of a completed section 106 agreement to secure open space and off site play provision, the proposals do not make adequate provision for recreation and leisure facilities to meet local needs and address future demand in conflict with Arun Local Plan policy OSR DM1 and INF SP1.

3 The proposal does not satisfactorily demonstrate that the hotel is not viable or that it has been marketed appropriately in conflict with policies TOU DM1. As a result existing jobs and premises are being lost contrary to the aims and objectives of policies EMP SP1 and EMP DM1 which seek to assist in enabling economic development by enhancing visitor facilities and encouraging employment.

4 Based on the information submitted it has not been adequately demonstrated that bat roosts do

not exist within the site or that any existing or potential roosts would not be disturbed. The proposal therefore fails to address the impact and potential loss of protected species in conflict with policy ENV DM5 of Arun Local Plan.

5 The proposal does not meet the adopted car parking or cycle parking standards in conflict with policy T SP1(d) of the Arun Local Plan and Arun Parking Standards and it has not been adequately demonstrated that the under provision would not adversely affect the safety of the local highway network and the residential amenity of adjoining occupiers.

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 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.



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner

Decision Issued: 17th March 2022

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).