# Recommendation Report for Planning Permission

**REF NO:** R/291/21/PL

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

**PROPOSAL:** 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.

## SITE AND SURROUNDINGS

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| DESCRIPTION OF APPLICATION | The proposals are for the demolition of the hotel building, which includes 1a Broadmark Avenue, and construction of a part two-storey, part three-storey building storey residential building (8.8m high) consisting of 10 flats (six three-bed and four two-bed units). The proposals incorporate communal gardens, private ground floor gardens, balconies and roof terraces for residents, thirteen parking spaces, including EV charging and a secure communal cycle parking facility. |
| SITE AREA | 0.12 hectares. |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 120 dwellings per hectare. |
| TOPOGRAPHY | Predominantly flat. |
| TREES | None of any significance affected by the development. |
| BOUNDARY TREATMENT | Some hedging fencing along front side boundaries to approx. 1.5m height. 1m high walling to Broadmark Avenue and 2m high hedging/fencing to boundary with 1 Broadmark Avenue to the rear. |
| SITE CHARACTERISTICS | The site is occupied by a former hotel and restaurant which are closed. Parking is available between the property and Broadmark Lane behind a landscaped buffer to part of frontage. The other southerly part has shingled surfacing to the road frontage. The premises are towards the rear of the site and are 2 storeys high with tile hung and rendered elevations and pitched tiled roofs. The structures behind the property are single storey. |
| CHARACTER OF LOCALITY | The site is in a predominantly residential area characterised by mainly detached dwellings of single storey and chalet style form set back a uniform distance from Broadmark Lane. |

## RELEVANT SITE HISTORY

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| R/160/03/ | Change of use from hotel to residence (Re-submission of R/117/03) | ApproveConditionally 05-11-03 |
| R/98/90 | Demolition of Mayday Hotel and nos. 1 & 3 Broadmark Avenue. Erection of sheltered housing development consisting of 24 no. 2-bed flats & 1 warden's flat. | Refused 04-07-90 |

## REPRESENTATIONS

Rustington Parish Council - Objection.
- Over-dominant appearance.
- Damaging impact on neighbouring properties and street scene by reason of height, shape and mass.
- Under provision of car parking which does not meet Arun's adopted standards which requires 18 spaces. Standing vehicles would result in an already congested area.
- Modern design style out of keeping.
- Disappointed at lack of consultation. Number and size of units take no account of local need and affordable housing.

45 Objections
- The design, height, scale and finish of the building is out of character with the surrounding properties and the location. A three floor property when the majority of the surrounding homes are bungalows & chalet bungalows would be out of place.
- If the premises can no longer exist as a hotel, it would be preferable to convert to dwellings, avoiding the environmental cost of demolition and re-build.
- Concerns regarding the safety of those walking to and from the shops, especially with the volume of traffic already using the road.
- Inadequate consultation and engagement with local community/stakeholders and lack of an appropriate Design and Access Statement.
- Scale, size and design of the development will impact on privacy of local properties, notably to the rear of the building where rooms, balconies and roof gardens overlook properties. The flat roof design will cause shadowing to existing properties.
- Provision for parking and safe access and egress from the property is inadequate and unsafe despite the support by WSCC.
- Although there are requirements to maintain employment, the application includes agent details for the sale of the property without any relevant commentary.
- Given that Arun District has an aged population with a greater percentage of over 65's than the national average, it is noted that the application makes no mention of lifetime homes or accessible homes. The application should define the accessibility of the common areas and movement in the flats.
- Would set a precedent.
- How many of the units would be affordable?
- The loss of the hotel in the village is regrettable. There are no other hotels in the village.
- The estimated 35 vehicular movements, when the hotel was operating is significantly above reality, meaning that the proposed ten flats will produce much more movement not less.

## COMMENTS ON REPRESENTATIONS RECEIVED:

The comments made are addressed in the conclusions section of this report. There is no requirement for developments of 10 or less to make provision of housing accommodation for an ageing generation in

accordance with 'Accommodation for Older People and People with Disabilities, 2020'. Approval of the development would not set a precedent each application is considered on its own merits.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Landscape Officer - No Objection.
No significant tree or vegetation removal would be required or indicated to facilitate the proposals. A full landscape scheme will need to be submitted for approval, or conditioned as part of any approval. Contributions for off site play and open space required.

Drainage Engineer - No Objection.
Pre commencement condition requested.

Fire and Safety Officer - Comment.
Evidence will be required to show that all parts of all apartments are within 45m of a fire appliance in accordance with Approved Document B Volume 1 B5 section 13. Any areas not within 45m will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.

Ecology Officer - Objection.
There is potential for bats to be roosting in buildings 1 and 2 on site. Due to this and as recommended within the survey further bat emergence surveys are required to determine if bats are roosting onsite prior to determination.

County Highways - No Objection.
The northern crossover is unchanged as part of the proposal and the southern crossover will be extended to cover the full parking area. Visibility splays of 2.4m x 30m are achievable in both directions and are acceptable. Cycle and parking provision are acceptable, but Arun District Council Parking Standards Supplementary Planning Document (January 2020) should be read instead of WSCC Guidance on Parking at New Developments (September 2020). Consider the proposed trips would not cause a detrimental impact on the local highway network. The site is sustainably located.

Sussex Police - No Objection.
Comments made in respect of suggested design amendments to incorporate secure by design guidance.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary

### DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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|---|---|
| QESP1 | QE SP1 Quality of the Environment |
| DSP1 | D SP1 Design |
| DDM1 | D DM1 Aspects of form and design quality |

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| DDM2 | D DM2 Internal space standards |
| ENVDM5 | ENV DM5 Development and biodiversity |
| SDSP1 | SD SP1 Sustainable Development |
| ECCSP2 | ECC SP2 Energy and climate change mitagation |
| WDM3 | W DM3 Sustainable Urban Drainage Systems |
| EMPSP1 | EMP SP1 Strategic Economic Growth |
| TOUDM1 | TOU DM1 Tourism related development |
| INFSP1 | INF SP1 Infrastructure provision and implementation |

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| Rustington Neighbourhood Plan 2014 Policy 2 | Housing Design |
| Rustington Neighbourhood Plan 2014 Policy 4 | Sustainable Drainage |
| Rustington Neighbourhood Plan 2014 Policy 6 | Local Employment |

**PLANNING POLICY GUIDANCE:**

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| NPPF | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |

**SUPPLEMENTARY POLICY GUIDANCE:**

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| SPD11 | Arun Parking Standards 2020 |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

Policy 2 of the Rustington Neighbourhood Development Plan is relevant to the determination of this application.

## 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 considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on residential and visual amenity, tourism and biodiversity.

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

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. This is in the form of the Council's current lack of a 5 year housing land supply which means the NPPF's presumption in favour of sustainable development Paragraph 11d (in particular ii) applies to applications for the provision of housing. For the reasons set out below the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, the Neighbourhood Plan is more than 2 years old and the current Arun Local Plan Housing Land Supply position is 2.4 years; so paragraph 14 does not apply since all four criteria are not met.

## CONCLUSIONS

KEY ISSUES

The key issues are principle, loss of visitor accommodation, design and visual amenity, residential amenity and highways/traffic.

PRINCIPLE

The site is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the Development Plan. This covers such issues as visual amenity/character, residential amenity, highway safety and parking.

Rustington has a made Neighbourhood Plan with policy 2 being relevant. Policy 2 supports development proposals provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The Council has an adopted Design Guide which provides up to date advice on matters such as new development and the need for it to successfully integrate with the prevailing character of an area.

NPPF paragraph 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively)".

In paragraph 124 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

The site is in a sustainable location in walking distance of a range of shops, facilities and services within

centre of Rustington with frequent bus services providing access to Littlehampton, Bognor Regis, Chichester, and Brighton, this includes Angmering Railway station.

Whilst the Framework seeks to significantly boost the supply of housing, it emphasises that the planning and development process should achieve the creation of high-quality buildings and places. In this context, the development would make a contribution towards housing supply and choice, and would to some extent support the local economy, notably as part of the construction of the development. However the support given in the Framework to delivering housing is not at the expense of ensuring that residential development is appropriately located. The proposal results in significant harm to the character of the area, its pattern of development and residential amenities of immediately adjoining properties. The failure of the proposal to do this is in direct contradiction of paragraph 124 of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

The Arun Design Guide was adopted in January 2021 and is a material consideration in the determination of this application. Section J refers to new building design and states new development must ensure the character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. The development does not comply with the guidance.

Para 130 of the NPPF 2021 states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The National Design Guide was published in October 2019. Part C1 maintains that well-designed places are:
- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The site occupies a prominent corner at the junction of Broadmark Avenue and Broadmark Lane and the hotel sits back from both road frontages in line with the adjacent properties. It is of 2 storey height, traditional design and occupies the width of the frontage. It appears as a mix of chalet style and 2 storey built form with a split roof line and sloping roof pitched roofs with few first floor openings giving the appearance of a group of of buildings of overall low profile which are readily assimilated into their surroundings when viewed from Broadmark Lane.

There would be considerable effect on the appearance of both site frontages due to the impact of the height, scale and position of the apartments and its jarring appearance in the context of the surrounding more modest chalet style and lower ridge detached dwellings of domestic scale which are set back from

the road frontage with Broadmark Lane. The impact of the proposal on Broadmark Avenue is less, given that its position in relation to the road frontage is unaltered, but the design and height would still appear out of keeping. The property at 1a Broadmark Avenue currently has a similar profile to no 1 and this would be altered by the proposal with a development that starkly contrasts with existing built form and rhythm and scale of the detached pitched roof built form along Broadmark Avenue. The forward position of the development when combined with its height would give a cramped appearance to the development as a whole.

The road frontage to Broadmark Lane would be dominated by car parking with no opportunity to replace the landscaped area on the site frontage which would increase the impression of development across the entire site. The only space for gardens would be provided in the limited space to the rear and to the side boundaries and north eastern corner. The ability to use landscaping to soften and integrate the development in the streetscene would be very limited. The area is characterised by large grassed front gardens with driveways to Broadmark Lane and the proposal would be dominated by an uncharacteristic excessive and overly dominant car parking area which would adversely affect visual amenity.

Policy 2 of Rustington Neighbourhood Plan seeks to support development proposals that reflect the scale, density, massing, height, landscape design, layout and materials of the surrounding area. The proposal does not accord with this policy. The development would appear as a bulky and alien feature in the locality. It would contrast strongly with existing built form and would not make a positive contribution to the character of the area or compliment the setting of adjoining buildings.

The design would not replicate existing built form and given its increased height and prominent position it would appear as a dominant and bulky form of development which would not be assimilated into its setting or the street scene. It would introduce 3 storey built form across much of the site which would dwarf adjacent bungalows and chalet style dwellings and provide an unsatisfactory visual relationship between the buildings. The third floor would unacceptably dominate the corner. The token inset of the upper floor is not sufficient to mitigate the overpowering impact of the upper floor on the corner site generally or the adjacent property. Whilst it is accepted that corner developments can sometimes accommodate a higher form of development, in this case, given the prevailing pattern of development with set back from the site frontage and scale of adjoining properties it is not considered that the site is of sufficient size to allow appropriate spacing to result in an acceptable form of development.

The proposal conflicts with the Arun Design Guide Part J.02 which seeks to ensure the scale and massing of development responds to the townscape and landscape in terms of function and positioning and J.04 which requires design to respond to site frontages in their immediate surroundings. Contemporary schemes, such as that proposed, are encouraged to reflect traditional design and reinterpret key aspects such as layout, window to wall ratio, proportions and window and door placement. The proposal does not meet these criteria. In relation to the apartment guidance at Part R.01 the proposal fails to accord with this guidance since it does not integrate well with and respond sensitively to its setting. The design challenge of apartment buildings set out in the Guidance is not met. The proposal failed to ensure the scale and appearance is in keeping with the existing context in areas of the District where smaller scale 1-3 storey housing predominates. The Guidance suggests that this could be achieved by breaking down the design of buildings into a series of components, which would reduce perceived bulk and massing, but the suggested design which incorporates some setting back of the third floor does not address this design element.

The proposal conflicts with policies D SP1, D DM1 of Arun Local Plan, Policy 2 of Rustington Neighbourhood Plan and Arun Design Guide.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.

One of the 'core planning principles' of the NPPF is to create places with a high standard of amenity for existing and future occupiers (paragraph 130 f).

The north - south orientation of the site provides a number of challenges to provide sufficient light to habitable rooms on the south and western facades of the building which overlook properties at 14 Broadmark Lane and 1 & 3 Broadmark Avenue. The existing building is close to the rear boundary and part of the space to the boundary is occupied by single storey extensions. There is a gap of approximately 3m to the rear boundary of the site from the proposed and existing main building. It would be unreasonable to expect the development to accord with the guidance above when it replaces a property which does not comply.

The existing building has 2 first floor bedroom windows facing over the garden of no1 Broadmark Avenue and is 2 storeys high. However, the proposal would increase the height of the building and the number of rear bedroom windows would increase to 5 bedrooms at first floor and 1 bedroom at second floor with 2 roof terraces to the rear roof section and a balcony wrapping around the rear corner at first floor. The potential for overlooking has increased. It is noted that 2 of the bedroom windows and one living room at first floor are proposed to be obscure glazed, but that would provide no outlook for residents of the flats and would adversely affect the amenity of future occupiers.

The proposal would result in an unacceptable level of overlooking and loss of privacy to the occupiers of no 1 and 14 Broadmark Lane from the first floor side facing bedroom window. Some attempt has been made to impede outlook from 2 of the bedroom windows at first floor. The proposal would be overbearing on the adjoining dwelling given its solid flat profile and increased height. The existing building has a steep pitched roof which minimises any overshadowing. There are no details submitted as part of the proposal to demonstrate that there would be no harmful increase in overshadowing.

The proposal would therefore conflict with policies D DM1 and QE SP1 of Arun Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. All the apartments meet the nationally described minimum space standards, in accordance with Policy D DM2 of the Arun Local Plan.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; Section H.04 deals with Residential Outdoor Amenity:' Amenity spaces should be of an appropriate size and shape to be usable and enjoyable.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

The Arun Design Guide supports the combination of shared gardens/communal spaces and private outdoor balconies and roof terraces. All balconies provide at least 3m2 usable space in accordance with Section H.04 (Residential Outdoor Amenity & External Spaces) of the Arun Design Guide SPD. The proposal therefore accords with this guidance and policy D DM1.

PARKING AND ACCESS

Para. 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The access and car parking layout are acceptable in terms of highway safety.

Policy T SP1 of the ALP requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. The ADC Design SPD (Sections I.01, I.02 and I.03) includes guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking.

According to the requirements of the Arun Parking Standards 2 parking spaces for 2 and 3 bed flats in Parking Behaviour Zone 4 each flat generates a demand for 2 spaces, totalling 20 spaces. Visitor parking provision is calculated at 20% of main provision (a further 4 spaces). There are 13 parking spaces proposed including one disabled and two visitor parking spaces. The provision falls short of the requirements of Arun's SPD in terms of the total number of spaces. Although the site is sustainably located on the edge of the village centre it is in an area where on street parking is in high demand. No parking capacity study has been submitted in support of the under provision. County Highways refer to the proposal representing a reduction in car parking demand when compared to that existing, but the hotel restaurants have rarely operated at full capacity and it certainly has not been the case on a daily basis. The under provision is not readily comparable with the existing use and would cause harm to residential amenity by reducing the existing capacity for on street car parking. Four parking spaces are provided with active electric vehicle charging points with three spaces provided with passive charging provision which satisfies the requirement of EV provision in Arun Parking Standards.

Secure and covered cycle storage for 8 bikes is proposed in a store on the northern site boundary. This should provide storage for a minimum of ten bicycles, does not accord with Arun's parking standards.

The site is accessed from Broadmark Lane and the alterations to the access proposed are acceptable to County Highways.

It is considered the proposal would not satisfy policy T SP1(d) of the Arun Local Plan since it does not accord with adopted Arun Parking Standards.

TOURISM, MARKETING AND EMPLOYMENT

Policy TOU DM1 of Arun Local Plan refers to existing accommodation and states permission will not be granted for change of use that leads to the loss of a visitor offer unless it is demonstrated that the use is no longer required and the site is unlikely to be reused for visitor purposes. It requires submission of (e) an appraisal indicating the use is no longer viable and (g) evidence that the site has not been made deliberately unviable. The agent advises that the hotel has been closed since the retirement of the previous owners and has been marketed as a hotel without success. The application includes estate

agent details, but the marketing agent is not local to the area and there are no details of offers made or interest expressed or the length of time the property was marketed. The property was marketed and closed when the country was within the throws of a pandemic when visitor numbers and interest would have been low and this would affect the accuracy and reliability of the marketing and anticipated viability of the premises. The proposal conflicts with this policy in that it has not been satisfactorily demonstrated that the hotel is not viable or that it has been marketed appropriately.

The proposal would result in the loss of employment opportunities in terms of waiting/bar staff and housekeeping. The marketing details refer to a 40 cover restaurant and 30 cover conservatory seating area and a 7 bedroom hotel. Policy EMP DM1 of Arun Local Plan seeks to protect and enhance existing employment sites and premises. Part 2 states that existing employment sites will be protected where there remains reasonable prospect of employment use. Policy EMP SP1(g) refers to supporting and promoting a high quality visitor economy and (f) seeks to protect and enhance existing employment sites.

The proposal therefore conflicts with policies EMP SP1 and EMP DM1 of Arun Local Plan in that existing jobs are being lost and the proposal does not assist in enabling economic development, enhancing visitor facilities or encouraging employment.

BIODIVERSITY

Policy ENV DM5 Development and Biodiversity seeks to achieve a net gain in biodiversity and protect existing habitats on site. Where there is evidence of a protected species a detailed survey and measures to avoid loss of species should be incorporated into the development scheme. The Preliminary Ecological Appraisal notes that part of the building provides bat suitable roosting habitats.

The proposal could impact the biodiversity of the site given that no bat survey has been undertaken or submitted. Ecological enhancements can be incorporated into the development and secured by condition. However the proposal conflicts with ENV DM5 of the Local Plan which requires development which results in harm to existing and locally protected habitats to be refused. Based on the information submitted it has not been satisfactorily demonstrated that no existing bat habitats would be adversely affected in conflict with policy ENV DM5.

OPEN SPACE CONTRIBUTIONS

ALP policy OSR DM1 requires housing developments to provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The proposal relates to provision of apartments which are not CIL liable. Therefore Sec 106 contributions would be sought towards for recreation and leisure facilities as detailed in the SPD Open Space, Playing Pitches, Indoor and Built Facilities January 2020 .This 10 apartment development should generate 10 x £1971.20 = £19,712.00 for offsite POS as a 106 contribution and 10 x £1730.30 = £17,303.00 for offsite Play as a 106 contribution. No s106 has been agreed for the development and therefore it is not compliant with this policy.

SUSTAINABLE CONSTRUCTION

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems and ECC SP1 which requires that new development be designed to adapt to impacts arising from climate change. The proposal could be conditioned to ensure the development accords with these requirements.

BIN STORAGE

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat

conversions, will be permitted provided that:

(a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles

The plan shows the provision of bin storage with some hardstanding to each front garden to store bins and each has a gate providing external access to ensure they can easily be moved to collection points.

The proposal complies with these requirements.

SUMMARY

This proposal represents an inappropriate redevelopment of the site which results in significant and demonstrable adverse impacts that significantly outweigh the presumption in favour of sustainable development afforded by para 11d of the NPPF. The proposal would be out of character with surrounding development and would have an unacceptable impact on the residential amenity of neighbouring properties, tourism and biodiversity. It is therefore recommended for refusal for the following reasons.

## 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

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 not CIL Liable therefore developer contributions towards infrastructure will not be required.

## RECOMMENDATION

REFUSE

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 health, 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 and existing jobs 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 residential amenity of adjoining occupiers.

6 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.