

Recommendation Report for Planning Permission

REF NO: R/215/17/PL

LOCATION: Units 6 & 7
Brookside Avenue
Rustington
BN16 3LF

PROPOSAL: 2 No. employment units for Class B1 (B1 Business) and/or Class B8 (B8 Storage or Distribution) with ancillary trade counter & office (Class B1a)) together with associated access, car parking & landscaping

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The applications seeks permission for the creation of 2 commercial buildings to provide 4 no. employment units falling within use class B1/B8.
SITE AREA	Approximately 0.22 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site consist of a mixture of materials ranging from concrete panels to chain link fencing of various heights
SITE CHARACTERISTICS	The site is an existing depot featuring hard standing. The northern boundary of the site abuts the railway line with existing development to the north, south, east and west of the site.
CHARACTER OF LOCALITY	The immediate character of the locality is industrial featuring industrial units of various designs, style and materials. To the north is Manor Retail Park.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Economic Regeneration

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Network Rail:

After careful consideration of the above planning application Network Rail has no further observations to make.

WSCC Strategic Planning:

The Local Highway Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

Engineers (Drainage):

Please apply standard condition ENGD2A.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
EMP DM1	Employment land:Development Management
EMP SP1	Employment land provision
SD SP2	Built -Up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 6](#) Local Employment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation.

Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination ended in Autumn 2017 following publication of modifications to the Plan..

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Rustington Neighbourhood Plan has been made and it is considered that Policy 6 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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 of the Arun District Local Plan; Policy 6 of the Rustington Neighbourhood Plan; the National Planning Policy Framework; and policies EMP DM1 and EMP SP1 of the emerging Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The proposed employment units will be situated on land to the north of Brookside Avenue. Of the two units proposed only the eastern most unit is considered to have a significant presence within the street scene. The western most unit on the site will be obscured by the existing commercial development situated to the south of the site (but to the north of Brookside avenue).

The proposed units by virtue of their design, materials and siting are considered to appear in keeping with the established character of the locality and as such will not give rise to any unacceptably adverse harm to the visual amenities of the locality.

Therefore, the proposed development is deemed to accord with policy GEN7(ii) of the Arun District Local Plan and policy D DM1 of the emerging Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed development is situated within an established industrial estate although the nearest residential dwelling is 42 Wolstenbury Road situated approximately 48m from the nearest proposed employment unit.

Despite the relatively close proximity the proposed industrial unit will be situated further from 48 Wolstenbury Road than existing industrial units to the east of the application site. A condition has been imposed on the proposed development which reflects those restrictions on the operation of neighbouring industrial units and will prevent noisy uses from the B8 use taking place at unreasonable hours which would have an unacceptable impact on the residential amenity of nearby occupiers.

It should also be noted that the permitted uses for the units proposed will fall within use class B1 or B8. Use Class B1 is identified as being appropriate within a residential area and the B8 use will be restricted to the hours applied to neighbouring units.

Therefore, it is considered that the proposed development will not give rise to any unacceptably adverse harm to residential amenity in accordance with policy GEN7(iv) of the Arun District Local Plan.

HIGHWAYS AND PARKING

WSCC Strategic Planning have been consulted in relation to parking and highways matters and no objection has been raised. It was identified within their consultation response that the proposal will not result in a severe impact on the operation of the highway network and as such is not contrary to paragraph 32 of the NPPF.

DRAINAGE

The proposed scheme has been considered by the Council's drainage engineer who has raised no objection to the proposal. The requested condition has been included below.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

- Site Plan - P-01 Rev A
- Floor Plan - P-02
- Elevations - P-03
- Site Drainage - P-05

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 The development hereby approved shall not be occupied until such time as the car parking has been laid out in accordance with the approved plans.

Reason: In the interests of highway safety and amenity in accordance with GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 6 No loading/unloading shall take place on the site outside of the hours of 07.00 and 20.00.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No plant machinery and/or equipment or storage associated with the use hereby permitted shall take place anywhere on site except within the buildings hereby approved.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings hereby approved by the Local Planning Authority.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Details of any external lighting/floodlighting shall be submitted to and approved by the Local Planning Authority, and any such external lighting/floodlighting shall be carried out in accordance with the approved details.

Reason: to safeguard the amenities of nearby residents in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN33 of the Arun District Local Plan.

- 10 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.